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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fifth periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND**

[7 August 2007]

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### **List of abbreviations**

***BME* = Black and Minority Ethnic**

***CDs* = Crown Dependencies**

***CEHR* = Commission for Equality and Human Rights**

***CRE* = Commission for Racial Equality**

***DRC* = Disability Rights Commission**

***ECHR* = Convention for the Protection of Human Rights and Fundamental Freedoms  
(European Convention on Human Rights)**

***ECtHR* = European Court of Human Rights**

***EOC* = Equal Opportunities Commission**

***HRA* = Human Rights Act 1998**

***ICCPR* = International Covenant on Civil and Political Rights**

***ICESCR* = International Covenant on Economic, Social and Cultural Rights**

***OTs* = British Overseas Territories**

***UK* = United Kingdom**

## Foreword

The structure of this fifth periodic report reflects the current United Nations reporting guidance on the International Covenant on Economic, Social and Cultural Rights<sup>1</sup>, in particular:

- The “General Information” section has been updated to reflect the most recent statistics and constitutional changes;
- The reports from the Overseas Territories and the Crown Dependencies are included in the Annexes.

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<sup>1</sup> Office of the High Commissioner for Human Rights et al., *Manual on human rights reporting under six major international human rights instruments*, Geneva, 1997 ([http://www.unhchr.ch/pdf/manual\\_hrr.pdf](http://www.unhchr.ch/pdf/manual_hrr.pdf)). Office of the High Commissioner for Human Rights, *Compilation of guidelines on the form and content of reports submitted by States Parties to the international human rights treaties*, HRI/GEN/2/Rev.3, 8 May 2006 ([http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/\\$FILE/G0641857.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/$FILE/G0641857.pdf)).

## I. GENERAL INFORMATION

### A. Land and people (including economic, social and cultural characteristics)

#### United Kingdom

Population <sup>2</sup>	60 209 500
Number of men per 100 women <sup>3</sup>	96
Ethnic groups <sup>4</sup>	White (92.1%), Mixed (1.2%), All Asian or Asian British (4.0%), Black or Black British (2.0%), Chinese (0.4%), Other ethnic groups (0.4%).
Percentage of population under 15 <sup>5</sup>	18.0%
Percentage of population over 65 <sup>6</sup>	16.0%
Percentage of population in urban areas <sup>7</sup>	79.7%
Religion <sup>8</sup>	Christian (71.8%), No religion (15.1%), Not stated (7.8%), Muslim (2.8%), Hindu (1.0%), Sikh (0.6%), Jewish (0.5%), Buddhist (0.3%), Any other religion (0.3%).
GDP <sup>9</sup>	£1 288bn at market prices in 2006
GDP per head <sup>10</sup>	£21 395
Inflation <sup>11</sup>	3.1%
Government Deficit/Surplus <sup>12</sup>	-£35.4bn (2.7% GDP) in 2006

<sup>2</sup> *Mid-2005 population estimates*, Office for National Statistics.

<sup>3</sup> *Mid-2005 population estimates*, Office of National Statistics.

<sup>4</sup> *Census*, April 2001, Office for National Statistics. More recent “experimental” figures released by the Office of National Statistics give the following breakdown of the population of England in mid-2004: White (89.5%), Mixed (1.5%), Asian or Asian British (5.1%), Black or Black British (2.6%), Chinese (0.6%), Other (0.6%).

<sup>5</sup> *Mid-2005 population estimates*, Office for National Statistics.

<sup>6</sup> *Mid-2005 population estimates*, Office for National Statistics.

<sup>7</sup> *Census*, April 2001, Office for National Statistics, using 2004 Urban / Rural classifications. Note that this figure is for England and Wales only.

<sup>8</sup> *Census*, April 2001, Office for National Statistics. Note that this figure is for Great Britain (England, Wales and Scotland) only.

<sup>9</sup> *UK Output, Income and Expenditure*, Office for National Statistics.

<sup>10</sup> *UK Output, Income and Expenditure*, Office for National Statistics., and *Mid-2005 population estimates*, Office for National Statistics.

<sup>11</sup> *Consumer Price Index (CPI)*, Office for National Statistics, March 2007.

<sup>12</sup> *UK Government Debt and Deficit*, Office for National Statistics, 2006.

Government Debt <sup>13</sup>	£571.8 billion (43.5% GDP) in 2006
Employment rate <sup>14</sup>	74.3% (28.98 million)
Adult literacy <sup>15</sup>	99.0%
Languages	<ul style="list-style-type: none"> <li>– Official language: English (throughout the UK).</li> <li>– Recognized languages:<sup>16</sup> Welsh (in Wales); Gaelic and Scots (in Scotland); Cornish (in Cornwall); Irish and Ulster Scots (in Northern Ireland).</li> </ul>
Life expectancy <sup>17</sup>	77 (men), 81 (women)
Infant mortality - number of deaths of children aged under 1 year per 1,000 live births <sup>18</sup>	5.0 in 2005
Fertility rate (per woman) <sup>19</sup>	1.79 in 2005

### Crown Dependencies<sup>20</sup>

Population	<ul style="list-style-type: none"> <li>– 76,315 (Isle of Man – in 2001).</li> <li>– 88,200 (Bailiwick of Jersey – in 2005).</li> <li>– 63,267 (Bailiwick of Guernsey – in 2001).</li> </ul>
Number of men per 100 women	<ul style="list-style-type: none"> <li>– 96 (Isle of Man – in 2001).</li> <li>– 95 (Bailiwick of Jersey – in 2001).</li> <li>– 98 (Bailiwick of Guernsey – in 2001).</li> </ul>
Ethnic groups	<ul style="list-style-type: none"> <li>– 51% Jersey, 35% UK, 6% Portuguese/Madeiran, 3% Irish (Bailiwick of Jersey – in 2001).</li> <li>– 60.8% Guernsey, 0.6% Jersey, 25.9% UK, - 0.6% Irish, 1.8% Portuguese, 1.5% Other - EU, 0.6% Other Europe, 2.3% Other (Bailiwick of Guernsey – in 2001)</li> </ul>

<sup>13</sup> *UK Government Debt and Deficit*, Office for National Statistics, 2006.

<sup>14</sup> *Labour Market Statistics*, Office for National Statistics, December 2006 - February 2007.

<sup>15</sup> The Economist, 2003 figures.

<sup>16</sup> Under the European Charter for Regional or Minority Languages (1992).

<sup>17</sup> Life expectancy at birth, Interim life tables 2003-05, Office for National Statistics.

<sup>18</sup> *Infant Mortality rates 1976-2005*, Office for National Statistics, 2006. Note that this figure is for England and Wales only.

<sup>19</sup> Office for National Statistics, 2006.

<sup>20</sup> Economic Affairs Division – Isle of Man Treasury, *Digest of Economic and Social Statistics 2006*. States of Jersey Statistics Unit, *Jersey in Figures 2005*, *Report of 2001 Jersey Census*, *States of Jersey 2005 Financial Accounts*. 2001 Guernsey Census – *Report on the census of population and households*.

Percentage of population under 15	<ul style="list-style-type: none"> <li>– 17.8% (Isle of Man – in 2001).</li> <li>– 15.7% (Bailiwick of Guernsey – in 2001).</li> <li>– 17% (Bailiwick of Jersey – in 2001).</li> </ul>
Percentage of population over 65	<ul style="list-style-type: none"> <li>– 16.7% (Isle of Man – in 2001).</li> <li>– 15.5% (Bailiwick of Guernsey – in 2001).</li> <li>– 14.1% (Bailiwick of Jersey – in 2001).</li> </ul>
Percentage of population in urban areas	<ul style="list-style-type: none"> <li>– 72.6% (Isle of Man – in 2001).</li> <li>– 50% approx. (Bailiwick of Jersey – in 2005).</li> <li>– 27.6% (Bailiwick of Guernsey – in 2001).</li> </ul>
Religion	<ul style="list-style-type: none"> <li>– Christian (majority), Islamic, Judaic (Bailiwick of Guernsey).</li> </ul>
GDP <sup>21</sup>	<ul style="list-style-type: none"> <li>– £1.3 billion (Isle of Man – in 2003-04).</li> <li>– £2.7 billion (Bailiwick of Jersey – in 2005).</li> <li>– £1.5 billion (Bailiwick of Guernsey – in 2006).</li> </ul>
GDP per head	<ul style="list-style-type: none"> <li>– £17,309 (Isle of Man – in 2003-04).</li> <li>– £30,900 (Bailiwick of Jersey – in 2005).</li> <li>– £24,538 (Bailiwick of Guernsey – in 2004).</li> </ul>
Inflation	<ul style="list-style-type: none"> <li>– 4.2% (Isle of Man – in 2005).</li> <li>– 3.1% (Bailiwick of Jersey – in 2005).</li> <li>– 4.4% (Bailiwick of Guernsey – in Dec 2006).</li> </ul>
Government Deficit/Surplus	<ul style="list-style-type: none"> <li>– £14 million (Isle of Man – in 2004-05).</li> <li>– £51.8 million (Bailiwick of Jersey – in 2006).</li> <li>– £18.9 million (Bailiwick of Guernsey – in 2005).</li> </ul>
Government Debt	<ul style="list-style-type: none"> <li>– £111.8 million (Bailiwick of Jersey – in 2006).</li> </ul>
Employment rate	<ul style="list-style-type: none"> <li>– 98% (Isle of Man – in 2001).</li> <li>– 82% (Bailiwick of Jersey – in 2001).</li> <li>– 99% (Bailiwick of Guernsey – in 2006).</li> </ul>
Languages	<ul style="list-style-type: none"> <li>– English, Manx Gaelic (Isle of Man).</li> <li>– English, French (Bailiwick of Jersey).</li> <li>– English and Norman-French (Bailiwick of Guernsey).</li> </ul>
Life expectancy	<ul style="list-style-type: none"> <li>– 76.3 – M; 80.7 – F (Isle of Man – in 2001).</li> <li>– 77 – M; 82 – F (Bailiwick of Jersey – in 2004).</li> <li>– 77.5 – M; 82 – F (Bailiwick of Guernsey – in 2001).</li> </ul>
Infant mortality - number of deaths of children aged under 1 year per 1,000 live births	<ul style="list-style-type: none"> <li>– 3.6 (Isle of Man – in 2000-04).</li> <li>– 2.4 (Bailiwick of Jersey – in 2005).</li> <li>– 4.5 (Bailiwick of Guernsey – in 1999-03).</li> </ul>
Fertility rate <sup>22</sup>	<ul style="list-style-type: none"> <li>– 56.7 (Isle of Man – in 2000-04).</li> <li>– 52.4 (Bailiwick of Jersey – in 2005).</li> <li>– 46.6 (Bailiwick of Guernsey – in 2001).</li> </ul>

<sup>21</sup> Note: Different methodologies are used to calculate the GDP between the three Islands, and therefore the figures may not be directly comparable.

<sup>22</sup> Calculated in live births per 1,000 females aged 15-44.



**British Overseas Territories<sup>23</sup>**

Population	<ul style="list-style-type: none"> <li>- 64,009 (Bermuda – in 2007).</li> <li>- 25,802 (British Virgin Islands – in 2005).</li> <li>- 54,465 (Cayman Islands – in 2005).</li> <li>- 2,955 (Falkland Islands – in 2006).</li> <li>- 28,875 (Gibraltar – in 2006).</li> <li>- 4,483 (Montserrat – in 2006).</li> <li>- 47 (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005).</li> <li>- 4,157 (St Helena – in 2006).</li> <li>- 33,202 (Turks and Caicos Islands – in 2006).</li> </ul>
Number of men per 100 women	<ul style="list-style-type: none"> <li>- 92 (Bermuda – in 2007).</li> <li>- 99 (British Virgin Islands – in 2005).</li> <li>- 101 (Cayman Islands – in 2005).</li> <li>- 113 (Falkland Islands – in 2006).</li> <li>- 100 (Gibraltar – in 2006).</li> <li>- 113 (Montserrat – in 2004).</li> <li>- 104 (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005).</li> <li>- 99 (Turks and Caicos Islands – in 2006).</li> </ul>
	<ul style="list-style-type: none"> <li>- 10,237 nationals and 15,565 expatriates (British Virgin Islands – in 2005).</li> <li>- Descendants from British, Irish, Maltese, Genoese, Jews and Spaniards (Gibraltar).</li> <li>- Descendants from the mutineers from the HMS Bounty and their Tahitian companions (Pitcairn, Henderson, Ducie and Oeno Islands).</li> </ul>
Percentage of population under 15	<ul style="list-style-type: none"> <li>- 17.8% (Bermuda – in 2007).</li> <li>- 23.7% (British Virgin Islands – in 2005).</li> <li>- 16.6% (Cayman Islands – in 2005).</li> <li>- 16% (Falkland Islands – 2006).</li> <li>- 19.3% (Montserrat – in 2004).</li> <li>- 15.5% (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005).</li> <li>- 21.9% (Turks and Caicos Islands – in 2005).</li> </ul>
Percentage of population over 65	<ul style="list-style-type: none"> <li>- 11.2% (Bermuda – in 2007).</li> <li>- 5.4% (British Virgin Islands – in 2005).</li> <li>- 5.8% (Cayman Islands – in 2005).</li> <li>- 9% (Falkland Islands – 2006).</li> </ul>

<sup>23</sup> *Foreign and Commonwealth Office Country Profiles 2006*, available on-line at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1013618138315>. Overseas Territories Department, Foreign and Commonwealth Office. Statistics Department, Montserrat.

Percentage of population over 65 ( <i>cont'd</i> )	<ul style="list-style-type: none"> <li>– 22.6% (Montserrat – in 2004).</li> <li>– 20% (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005).</li> <li>– 4.4% (Turks and Caicos Islands – in 2005).</li> </ul>
Percentage of population in urban areas	<ul style="list-style-type: none"> <li>– 100% (Bermuda – in 2007).</li> <li>– 62% (British Virgin Islands – in 2005).</li> <li>– 48.2% (Cayman Islands – in 2006).</li> <li>– 72% (Falkland Islands – 2006).</li> <li>– 100% (Gibraltar – in 2006).</li> <li>– 40% (St Helena – in 1998)</li> </ul>
Religion	<ul style="list-style-type: none"> <li>– Christian – mainly Anglican and Roman Catholic (Bermuda).</li> <li>– Christian (British Virgin Islands).</li> <li>– Christian – majority (Cayman Islands).</li> <li>– Christian – Catholic, Anglican and other Christian churches (Falkland Islands).</li> <li>– Catholic, Protestant, Islamic, Hindu, Judaic (Gibraltar).</li> <li>– Christian (Montserrat).</li> <li>– Seventh Day Adventist (Pitcairn, Henderson, Ducie and Oeno Islands).</li> <li>– Christian, Bahai (St Helena).</li> <li>– Christian (Turks and Caicos Islands).</li> </ul>
GDP <sup>24</sup>	<ul style="list-style-type: none"> <li>– £2.7 billion (Bermuda – in 2005).</li> <li>– £482 million (British Virgin Islands – in 2005).</li> <li>– £1.1 billion ((Cayman Islands – in 2005).</li> <li>– £75 million (Falkland Islands – in 2004).</li> <li>– £560 million (Gibraltar – in 2003-04).</li> <li>– £17.7 million (Montserrat – in 2004).</li> <li>– £14.2 million (St Helena – in 2004-05).</li> <li>– £239 million (Turks and Caicos Islands – in 2005 (estimate)).</li> </ul>
GDP per head <sup>25</sup>	<ul style="list-style-type: none"> <li>– £42,032 (Bermuda – in 2005).</li> <li>– £18,710 (British Virgin Islands – in 2005).</li> <li>– £21,468 (British Virgin Islands – in 2003).</li> <li>– £23,601 (Cayman Islands – in 2005).</li> <li>– £25,381 (Falkland Islands – in 2004).</li> <li>– £19,552 (Gibraltar – in 2003-04).</li> <li>– £3,779 (Montserrat – in 2004).</li> <li>– £3,463 (St Helena – in 2004-05).</li> <li>– £7,811 (Turks and Caicos Islands – in 2005).</li> </ul>

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<sup>24</sup> Expressed in GBP £.

<sup>25</sup> Expressed in GBP £.

Inflation	<ul style="list-style-type: none"> <li>– 3.1% (Bermuda – in 2006).</li> <li>– 2% (British Virgin Islands – in 2005).</li> <li>– 1% (British Virgin Islands – in 2003).</li> <li>– 7% (Cayman Islands – in 2005).</li> <li>– 3% (Falkland Islands – in 2006).</li> <li>– 2.6% (Gibraltar – in 2006).</li> <li>– 4% (Montserrat – in 2004).</li> <li>– 3.6% (St Helena – in 2005)</li> <li>– 1.5% (Turks and Caicos Islands – in 2006).</li> </ul>
Government Deficit/Surplus <sup>26</sup>	<ul style="list-style-type: none"> <li>– £53.2 billion (Bermuda – in 2005).</li> <li>– £2.9 million (British Virgin Islands – in 2005).</li> <li>– £52.8 million (Cayman Islands – in 2005).</li> <li>– £2.7 million (Falkland Islands – 2005-06).</li> <li>– £17 million (Gibraltar – in 2007).</li> <li>– £10.6 million (Montserrat – in 2004).</li> <li>– £313,000 (Turks and Caicos Islands – in 2005).</li> </ul>
Government Debt <sup>27</sup>	<ul style="list-style-type: none"> <li>– £130.1 million (Bermuda – in 2005).</li> <li>– £70.1 million (British Virgin Islands – in 2005).</li> <li>– £102.2 million (Cayman Islands – in 2005).</li> <li>– £520,000 (Falkland Islands – 2006).</li> <li>– £93 million (Gibraltar – in 2007).</li> <li>– £2 million (Montserrat – in 2004).</li> <li>– £20 million (Turks and Caicos Islands – in 2005).</li> </ul>
Employment rate	<ul style="list-style-type: none"> <li>– 82.5%<sup>28</sup> (Bermuda – in 2000).</li> <li>– 96.9% (British Virgin Islands – in 2005).</li> <li>– 96.5% (Cayman Islands – in 2005).</li> <li>– 77%<sup>29</sup> (Falkland Islands – 2006).</li> <li>– 97% (Gibraltar – 2006).</li> <li>– 87% (Montserrat – in 2001).</li> <li>– 100% (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005).</li> <li>– 88.8% (St Helena – in 2002-03).</li> <li>– 92% (Turks and Caicos Islands – in 2005).</li> </ul>
Adult literacy	<ul style="list-style-type: none"> <li>– 98% (St Helena – in 1998).</li> </ul>
Languages	<ul style="list-style-type: none"> <li>– English and Portuguese (Bermuda).</li> <li>– English (British Virgin Islands).</li> <li>– English (Cayman Islands).</li> <li>– English (Falkland Islands)</li> </ul>

<sup>26</sup> Expressed in GBP £.

<sup>27</sup> Expressed in GBP £.

<sup>28</sup> Population aged 16-64 years.

<sup>29</sup> Population aged 15 or over and employed full time.

Languages ( <i>cont'd</i> )	<ul style="list-style-type: none"> <li>– English (Gibraltar).</li> <li>– English (Montserrat).</li> <li>– English and Pitkern (Pitcairn, Henderson, Ducie and Oeno Islands).</li> <li>– English (St Helena).</li> <li>– English, Creole (Turks and Caicos Islands).</li> </ul>
Life expectancy	<ul style="list-style-type: none"> <li>– 76.3 – M; 81.7 – F (Bermuda – in 2007).</li> <li>– 76.4 – M; 83 – F (British Virgin Islands – in 2005).</li> <li>– 78.5 – M; 83.3 – F (Gibraltar – in 2001).</li> <li>– 76 – M; 81 – F (Montserrat – in 2004).</li> <li>– 71.9 – M; 78.4 – F (St Helena – in 1998).</li> <li>– 75 – M; 76.1 F (Turks and Caicos Islands – in 2001).</li> </ul>
Infant mortality - number of deaths of children aged under 1 year per 1,000 live births	<ul style="list-style-type: none"> <li>– 2.4 (Bermuda – in 2005).</li> <li>– 0 (British Virgin Islands – in 2005).</li> <li>– 0 (Falkland Islands – 2006).</li> <li>– 0.9 (Gibraltar – average 1998-2006).</li> <li>– 0 (Montserrat – in 2004).</li> <li>– 0 (St Helena – in 2006).</li> <li>– 3.1 (Turks and Caicos Islands – in 2005).</li> </ul>
Fertility rate (per woman)	<ul style="list-style-type: none"> <li>– 1.74 (Bermuda – in 2000).</li> <li>– 2.19 (Gibraltar – in 2007)</li> </ul>

## B. General political structure

1. The UK (comprising England, Wales, Scotland and Northern Ireland) is a parliamentary democracy and constitutional monarchy. The British Constitution is not set out in a single document, but is derived from a variety of written and unwritten sources centring around the sovereignty of Parliament. The written sources include: UK legislation,<sup>30</sup> the common law (case law), European Community legislation, judgements of the European Court of Justice, and academic writings. The unwritten sources include constitutional conventions and the law and custom of Parliament.

2. The Constitution does not provide for a strict separation of the three powers (legislative, executive and judiciary) although the recent reform of the Office of Lord Chancellor and the forthcoming establishment of a Supreme Court separately from the legislature has moved somewhat in that direction. The legislative power resides in the UK Parliament (Westminster) as the supreme law-making body (with the exception of European Community law). The Westminster Parliament consists of the reigning monarch (Queen/King in Parliament), the House of Commons (elected through the relative majority or first past the post system) and the

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<sup>30</sup> Primary legislation includes Acts of Parliament or Statutes while secondary or delegated legislation includes regulations adopted within the framework of primary legislation, so-called “Parent Acts”, or the exercise of the Royal Prerogative.

House of Lords. The House of Lords is predominantly made up of nominated members. Acts of Parliament provide that the House of Commons, as the elected House, should be able to see legislation it has approved being made into law, regardless of any reservations expressed by the House of Lords.

3. Primary legislation is introduced in Parliament as “Bills”. The law-making process then involves a number of stages of consideration in either House and scrutiny by one House of amendments made by the other and concludes with the formal stage of Royal Assent by the monarch (when the Bill becomes an “Act”). Secondary legislation is usually produced by the relevant Government minister using powers provided for under primary legislation but it also includes other forms of legislation such as powers exercised under the royal prerogative or by-laws made by local authorities.

4. The prerogative powers are the residual powers of the Crown, which are exercised without being subject to statute law. In many respects these powers have been curtailed except in areas such as the formal ratification of international treaties and the issuing and withdrawing of UK passports. However, the Government is accountable to Parliament for all of its actions. The Government is formed from the party that can command a majority in the House of Commons and is accountable to Parliament for all matters. All ministers must be members of one of the two Houses of Parliament. The Prime Minister is the senior minister within government and is “primus inter pares” or first amongst equals. The Prime Minister is also formally responsible for the civil service, the permanent administrative body of officials that serves the government regardless of the political affiliation of the party that heads that government. The legal authority of the Civil Service formally derives from the monarch through an order made under the royal prerogative.

5. Judicial power is exercised by judges and courts on behalf of the monarch. Through the process of judicial review, the judiciary can review executive action and secondary legislation on grounds of illegality, irrationality or procedural irregularity. However, under the principle of parliamentary sovereignty, the judiciary cannot strike down an Act of the UK Parliament as unconstitutional or because it does not comply with human rights obligations. The HRA preserves parliamentary sovereignty but it empowers the courts to draw attention to incompatibilities in primary legislation. The Act requires the courts, so far as possible, to interpret all legislation in a way that is compatible with the ECHR rights set out in the Act. But if that is not possible, then any incompatibility in primary legislation can be made subject to a “declaration of incompatibility”, whilst any incompatibility in secondary legislation can be struck down.

### **The Devolved Administrations**

6. Following the Scotland Act 1998, the Scottish Parliament was established with 129 members elected every four years on the Additional Member System of proportional representation. The Scottish Parliament operates broadly on the Westminster model, electing a First Minister who heads an Executive (the Scottish Executive). The Scottish Parliament and Executive have responsibility for most aspects of domestic, economic and social policy, while Westminster retains control of foreign affairs, defence and national security, macro-economic

and fiscal matters, employment and social security. The Scottish Parliament is funded by a block grant from the UK Government. Schedules 4 and 5 of the Scotland Act list all matters which are “reserved” to Westminster and the UK Government. All matters not listed are considered to be devolved.

7. Following the Government of Wales Act 1998 and 2006, the National Assembly for Wales was established with 60 members, also elected by the Additional Member System of proportional representation. The Welsh Assembly does not have the power to make primary legislation, but enjoys extensive executive powers and may make secondary legislation (i.e. orders and regulations). Its responsibilities are not as wide as those of the Scottish Parliament (the UK Government retains responsibility for the police and the legal system). The Assembly has chosen to establish a Cabinet system on the Scottish Executive model, albeit combined with a strong committee system. The Assembly is funded by a block grant and has no powers of taxation. The Government of Wales Act 2006 formally separated the National Assembly as a legislature and the Welsh Assembly Government as an executive; enhanced the powers for the Assembly through a streamlined procedure, enabling Westminster to give the Assembly powers to modify legislation or make new provisions on specific matters or defined areas of policy within “fields”, in schedules, in which the Assembly currently exercises functions; allowed the Assembly to gain primary legislative powers following a post-legislative referendum (this could be triggered by a two-thirds majority of the Assembly members or by a vote in Parliament); and ended dual candidacy for Assembly elections.

8. The Belfast Agreement reached in Northern Ireland in April 1998, approved in a referendum the following month, opened the way for the devolution of power to Northern Ireland through the Northern Ireland Act 1998. An Assembly of 108 members with a similar range of legislative and executive powers to the Scottish Parliament was therefore established. The Northern Ireland Executive comprises a First Minister and Deputy First Minister, and 10 Ministers, allocated in proportion to party strengths represented in the Assembly. There are Committees for each of the main executive functions of the Northern Ireland Executive. The membership and chair of each committee is again allocated in proportion to party strengths. These Committees have scrutiny, policy development and consultative functions. The Northern Ireland Act lists those matters which are “reserved” (matters which can only be legislated on by the Assembly with the Secretary of State’s consent) and “excepted” matters. Devolution to Northern Ireland was suspended for a period but was restored on 8 May 2007.

### **The Crown Dependencies**

9. The UK is responsible for the defence and international representation of the CDs. The CDs are: the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. The Bailiwick of Guernsey includes the separate jurisdictions of Alderney and Sark and is responsible for the administration of the islands of Herm, Jethou and Lihou. The island of Brecqhou is part of Sark. The CDs are not part of the UK but are self-governing dependencies of the Crown. This means they have their own directly elected legislative assemblies, administrative, fiscal and legal systems and their own courts of law. The Queen is the Head of State of each Island and the

Lieutenant Governor on each Island is Her Majesty's personal representative. The Crown exercises its responsibilities for the Islands through the Privy Council and also makes appointments to the judiciary in each Island.

10. The CDs have ministerial systems of government with a directly elected legislature. The legislatures are known as: States of Jersey (Jersey), the States of Deliberation (Guernsey), the States of Alderney (Alderney), Chief Pleas (Sark), the Court of Tynwald (Isle of Man). The Islands' legislatures make their own domestic legislation but Royal Assent is required for all primary legislation. The CDs are not represented in the UK Parliament and UK legislation does not normally extend to the CDs. However, the CDs may occasionally request that UK legislation be extended to them. The UK respects the CDs' rights to autonomy in their domestic affairs and ordinarily it would be contrary to constitutional convention to exercise the power to legislate in these areas. However, the UK Government retains the power to do so in order to protect both its own and the CDs' domestic and international interests.

### **The British Overseas Territories**

11. The OTs are: Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Sovereign Base Areas on Cyprus, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and its dependencies (Ascension Island and Tristan da Cunha), South Georgia and South Sandwich Islands, and the Turks and Caicos Islands.

12. The OTs retain a special constitutional status and have a considerable measure of devolved government. However, the Governor, the personal representative of the monarch, retains direct responsibility for all matters not specifically allocated to the local government (particularly defence and external affairs).

## **C. General legal framework within which human rights are protected**

### **International instruments**

13. The UK has ratified all the major international human rights instruments. See below a summary table (with the territorial extension of each instrument).

Instrument (with date of adoption)	Territorial Extension		
	UK	Crown Dependencies	Overseas Territories
United Nations system			
1. International Convention on the Abolition of Slavery and the Slave Trade (1926). 2. Protocol amending the Convention on Slavery (1953)	1. Yes	1. Yes	1. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Ascension, Turks and Caicos Islands, South Georgia & South Sandwich Islands, Pitcairn 2. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands, South Georgia & South Sandwich Islands, Pitcairn.

Instrument (with date of adoption)	Territorial Extension		
	UK	Crown Dependencies	Overseas Territories
Convention on Prevention and Punishment of Genocide (1948)	Yes	Yes	Bermuda, British Virgin Islands, Falkland Islands, Gibraltar, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, South Georgia & South Sandwich Islands, Pitcairn.
1. Convention on the Status of Refugees (1951). 2. Protocol on the status of refugees (1967)	Yes	1. Yes 2. Bailiwick of Jersey	1. Cayman Islands, Falkland Islands, St Helena and Turks and Caicos Islands, Montserrat. 2. Cayman Islands, Falkland Islands, Montserrat, St Helena and Dependencies, Turks and Caicos Islands.
Convention on Political Rights of Women (1953)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, South Georgia & South Sandwich Islands.
Convention on the Status of Stateless Persons (1954)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
1. Agreement on refugee seamen (1957) 2. Protocol on refugee seamen (1973)	1. Yes 2. Yes	1. Yes 2. Yes	1. Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, St Helena and Turks and Caicos Islands. 2. British Virgin Islands, Falkland Islands, Montserrat and St Helena.
UNESCO Convention against Discrimination in Education (1960)	Yes	No	Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena, Turks and Caicos Islands.
Convention on the Reduction of Statelessness (1962)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
Convention on Consent to Marriage, Minimum Age and Registration (1963)	Yes	No	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, South Georgia & South Sandwich.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1966)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, S Georgia & S Sandwich.
1. International Covenant on Civil and Political Rights (ICCPR) (1966). 2. ICCPR (Second) Optional Protocol on the abolition of the death penalty (1989)	Yes	Yes	1. Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, South Georgia and South Sandwich Islands, St Helena and its dependencies, Turks and Caicos Islands. 2. No



Instrument (with date of adoption)	Territorial Extension		
	UK	Crown Dependencies	Overseas Territories
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)	Yes	Yes	Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, South Georgia and South Sandwich Islands, St Helena and its dependencies, Turks and Caicos Islands.
1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1980). 2. CEDAW Optional Protocol (1999)	Yes	1. Isle of Man. 2. Isle of Man	1. British Virgin Islands, Falkland Islands, South Georgia and South Sandwich Islands, Turks and Caicos Islands. 2. Falkland Islands.
1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1985). 2. CAT Optional Protocol (2002)	1. Yes 2. Yes	1. Yes 2. No	1. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands. 2. No.
1. United Nations Convention on the Rights of the Child (CRC) (1989). 2. CRC Optional Protocol on the involvement of children in armed conflicts (2000)	1. Yes 2. Yes	1. Isle of Man. 2. No	1. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, S Georgia & S Sandwich. 2. No.
<b>International Labour Organization</b>			
ILO Convention 29 on forced labour (1930)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
ILO Convention 81 on labour inspection (1947)	Yes	Yes	Cayman Islands, Gibraltar, Turks and Caicos Islands.
ILO Convention 87 on freedom of association and rights to organise (1948)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
ILO Convention 97 on migration for employment (1949)	Yes	No	Anguilla*, Bermuda, British Virgin Islands*, Montserrat* *But not Annexes I and III.
ILO Convention 98 on right to organise and collective bargaining (1949)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
ILO Convention 100 on equal remuneration (1951)	Yes	No	Gibraltar.

Instrument (with date of adoption)	Territorial Extension		
	UK	Crown Dependencies	Overseas Territories
ILO Convention 102 on social security (minimum standards) (1952)	Yes	Isle of Man	No
ILO Convention 105 on abolition of forced labour (1957)	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands.
ILO Convention 111 on discrimination in respect of employment and occupation (1958)	Yes	No	No
ILO Convention 122 concerning employment policy (1964)	Yes	Bailiwick of Guernsey, Isle of Man.	No
ILO Convention 135 on workers' representative (1971)	Yes	No	Gibraltar
ILO Convention 138 on minimum age (1973)	Yes	No	No
ILO Convention 151 on labour relations (public service) (1978)	Yes	Bailiwick of Guernsey.	Gibraltar and St Helena.
ILO Convention 182 on worst forms of child labour (1999)	Yes	No	No
Humanitarian Law			
Geneva Conventions I, II, III, IV	Yes	Yes	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its dependencies, Turks and Caicos Islands, S Georgia & S Sandwich.
Europe			
1. ECHR (1950). 2. ECHR Protocol 1 (1952). 3. ECHR Protocol 2 (1963). 4. ECHR Protocol 3 (1963). 5. ECHR Protocol 5 (1966). 6. ECHR Protocol 6 (1983). 7. ECHR Protocol 8 (1985). 8. ECHR Protocol 10 (1992). 9. ECHR Protocol 11 (1994). 10. ECHR Protocol 13 (2002). 11. ECHR Protocol 14 (2004).	1. Yes 2. Yes 3. Yes 4. Yes 5. Yes 6. Yes 7. Yes 8. Yes 9. Yes 10. Yes 11. Yes	1. Yes 2. Yes 3. No 4. No 5. No 6. Yes 7. Yes 8. Yes 9. Yes 10. Yes 11. Yes	1. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands, S Georgia & S Sandwich Islands, Sovereign Base Areas. 2. Anguilla, British Virgin Islands, Cayman Islands, Gibraltar, Montserrat, St Helena and its dependencies, Turks and Caicos Islands. 3. No. 4. No. 5. No. 6. No. 7. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat,

Instrument (with date of adoption)	Territorial Extension		
	UK	Crown Dependencies	Overseas Territories
			<p>St Helena and Ascension, Turks and Caicos Islands, South Georgia &amp; South Sandwich Islands.</p> <p>8. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Ascension, Turks and Caicos Islands, South Georgia &amp; South Sandwich Islands.</p> <p>9. No.</p> <p>10. Anguilla, Bermuda, Falkland Islands, Gibraltar, Montserrat, St Helena and Dependencies, Turks and Caicos Islands, S Georgia &amp; S Sandwich Islands, Sovereign Base Areas.</p> <p>11. Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Ascension, Turks and Caicos Islands, South Georgia &amp; South Sandwich Islands, Sovereign Base Areas</p>
European Agreement on the abolition of visas for refugees (1959)	Yes	Yes	No
European Social Charter (1961)	Yes	Isle of Man	No
European Agreement on transfer of responsibility for refugees (1980)	Yes	Yes	No
<p>1. European Convention on the prevention of torture and inhuman or degrading treatment or punishment (ECPT) (1987).</p> <p>2. ECPT Protocol 1 (1993).</p> <p>3. ECPT Protocol 2 (1993)</p>	Yes	<p>1. Yes</p> <p>2. Yes</p> <p>3. Yes</p>	<p>1. Gibraltar.</p> <p>2. Gibraltar.</p> <p>3. Gibraltar.</p>
European Charter for regional or minority languages (1992)	Yes	Isle of Man	No
Framework Convention for the protection of national minorities (1995)	Yes	No	No

## United Kingdom

14. The HRA has been implemented in full on 2 October 2000. It works in three main ways. Firstly, it places all public authorities (including central and local government, the police and the courts), under a statutory obligation to act compatibly with ECHR rights, and allows a case to be brought in a UK court or tribunal against a public authority which fails to do so. Secondly, it requires that all legislation must be read and given effect, so far as it is possible to do so, in a way compatible with the ECHR rights. If it is impossible to do so, the higher courts may formally declare the legislation incompatible with the ECHR (in the case of primary legislation), or strike it down (in the case of secondary legislation). A formal declaration of incompatibility does not affect the validity, continuing operation or enforcement of the legislation but may trigger the use of a remedial order, a special procedure allowing Ministers to amend the offending provisions or the passing of fresh amending legislation. A Minister introducing a Bill in Parliament, must make a declaration to the effect that the Bill is, in his or her view, compatible with the ECHR rights, or that, despite his or her inability to make such a declaration, he or she wishes the House to proceed with the Bill. Finally, the HRA requires UK courts and tribunals always to take account of the case law of the ECtHR in Strasbourg when determining a question which has arisen in connection with a ECHR right.

15. The Scotland Act 1998, which created the Scottish Parliament, requires the Scottish Ministers to act in compliance with the ECHR rights and allows for domestic courts to strike down any legislation not in compliance with ECHR.

16. Alleged victims of human rights breaches retain the right to apply to the ECtHR after exhausting domestic remedies.

17. The Equality Act 2006 provides for the establishment of the CEHR. This new independent body will provide information and advice, establish codes of practice and undertake inquiries in the areas of equality & diversity and human rights.<sup>31</sup> As stated in the Act, the general goals of the CEHR will be to ensure people's ability to achieve their potential is not limited by prejudice or discrimination, there is respect for and protection of each individual's human rights, there is respect for the dignity and worth of each individual, each individual has an equal opportunity to participate in society, and there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

18. The Northern Ireland Human Rights Commission (NIHRC) was established by the Northern Ireland Act 1998 to promote and protect human rights within Northern Ireland. Its functions and powers include:

- Advising Government and the Northern Ireland Assembly of measures that ought to be taken for the protection of human rights;

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<sup>31</sup> In the UK, the issues of equality and human rights are kept separate although the CEHR will be able to look into both subject areas.

- Reviewing the effectiveness of human rights law in Northern Ireland; carrying out investigations;
- Assisting individuals bringing judicial proceedings on ECHR grounds;
- Submitting advice to the Secretary of State on the scope for a Bill of Rights for Northern Ireland.

19. In addition the Justice and Security (Northern Ireland) Act 2007 granted NIHRC new powers to:

- Bring judicial proceedings in its own name, and when doing so, rely on the ECHR;
- Access places of detention as part of its investigations; and compel evidence as part of its investigations.

20. The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. The Commission has the vision of Northern Ireland as a shared, integrated and inclusive place, a society where difference is respected and valued, based on equality and fairness for the entire community. Its mission is to advance equality, promote equality of opportunity, encourage good relations and challenge discrimination through promotion, advice and enforcement. The Commission's duties and functions are set out in the legislation for which it has responsibility and general duties include: working towards the elimination of discrimination; promoting equality of opportunity and encouraging good practice; promoting affirmative/positive action; promoting good relations between people of different racial groups; overseeing the implementation and effectiveness of the statutory duty on public authorities; and keeping the relevant legislation under review. Since 1999, a number of new pieces of legislation have been introduced. The Commission is now responsible for promoting awareness of and enforcing anti-discrimination law on the following grounds: age, disability, race, gender (including marital status), sexual orientation, religious belief and political opinion.

21. Under domestic law, international instruments, including the ICESCR, are not directly enforceable in domestic courts unless an Act of Parliament specifically provides so. The ICESCR is not directly enforceable in UK courts but the Government is progressively realising without discrimination the rights contained in the Covenant by way of domestic legislation and administrative measures. A more detailed account of the implementation of articles 1 to 15 of the Covenant is given in Section 8 of this report ("Progress since the fourth report on each of the articles in parts I, II and III of the Covenant"). The table below summarises some of the major domestic measures on individual's rights and freedoms adopted since the previous periodic report on the ICESCR.

Legislative or other measures <sup>32</sup> (with year of adoption)	Main subject area
Sex Discrimination (election candidates) Act 2002	Fighting discrimination based on gender in the electoral process.
Employment Equality Regulations 2003 (sexual orientation, religion or belief)	Fighting discrimination based on sexual orientation or religion and belief at work.
Civil Partnership Act 2004	Civil recognition of same-gender partnerships.
Employment Relations Act 2004	Protection of employees from dismissals and procedures for industrial action.
Gender Recognition Act 2004	Civil recognition of transsexual people in their acquired gender.
Children Act 2004	Protection of children from abuse.
Domestic Violence, Crime and Victims Act 2004	Increased penalties in domestic violence cases and support for the victims.
Housing Act 2004	Improving housing standard.
Freedom of Information Act 2000 (came into force on 1 January 2005)	Public access to Government held information.
Constitutional Reform Act 2005	Judicial independence and establishment of a Supreme Court.
Disability Discrimination Act 2005	Strengthening provisions to fight discrimination of persons with a disability.
Electoral Administration Act 2006	Improving engagement to voting and confidence in the electoral process.
Equality Act 2006	Establishment of the CEHR and promotion of human rights.
Work and Families Act 2006	Fairer balance of rights and responsibilities for employers and employees, particularly in the case of pregnant workers.
Government of Wales Act 2006	Devolution.
Northern Ireland Act 2006	Devolution.
Employment Equality Regulations 2006 (age)	Fighting discrimination based on age at work.
Scottish Commission for Human Rights Act 2006	Establishment of Human Rights Commission in Scotland.
Welfare Reform Act 2007	Reforming welfare

<sup>32</sup> Also refer to the *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

### **Crown Dependencies**

22. The CDs are not part of the UK but the Government is responsible for their defence and international human rights obligations.

23. Since the last periodic report, the CDs have enacted a significant amount of legislation, particularly but not exclusively on non-discrimination and equality.<sup>33</sup>

### **British Overseas Territories<sup>34</sup>**

24. The ICESCR currently applies to Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, the Pitcairn Islands, St Helena and its dependencies, South Georgia and South Sandwich Islands (though they are not populated) and the Turks and Caicos Islands. Through the territories' governors, the Government retains responsibility for the OTs internal security, defence and external affairs, which includes ensuring that they fulfil their obligations under the international human rights instruments that have been extended to the OTs. Each territory has its own constitution. Several include human rights guarantees, and all contain provisions to preserve the independence of the judiciary and protect public services from political interference. The UK's objective is progressively to extend the major UN human rights instruments<sup>35</sup> to all the OTs with a resident population (ie. Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, the Pitcairn Islands, St Helena and its dependencies, the Turks and Caicos Islands).

25. Significant progress has been made in this respect. Anguilla (the only populated OT still excluded from the ICCPR and the ICESCR) has, in fact, agreed to adopt the ICCPR and the ICESCR and is taking steps to prepare for this before the Covenants are formally extended to it. The Cayman Islands have requested that CEDAW be extended to them though further ongoing legislative work is needed before this can take place. From 14 January 2006, the following OTs have accepted the right to individual petition to the ECtHR under the terms of the ECHR: the Cayman Islands (from 21 February 2006), the Falkland Islands, Gibraltar, South Georgia and the South Sandwich Islands. The same right was renewed until 2011 for: Anguilla, Bermuda, Montserrat, St Helena and its dependencies. The Turks and Caicos Islands accepted the right until 2011.

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<sup>33</sup> See *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 57-66, 85, 130-131, 138-139, 143, 158-159, 161-163, 168-169, 172-173, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

<sup>34</sup> Also refer to the *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 76-78, 83-85, 136-138, 141-143, 149-150, 154-155, 166-168, 177-178, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

<sup>35</sup> ICERD, ICCPR, ICESCR, CAT, CRC and CEDAW.

26. The OTs are expected to promote human rights in their domestic policy and the Government is funding a programme to help them do this. For example, the Government is funding an four-year strategy to help the OTs raise standards of child protection in line with the CRC.

27. In Anguilla, the British Virgin Islands, Montserrat and the Turks and Caicos Islands, six model legislative bills (the Family Court Bill, the Children Care and Protection Bill, the Status of Children Bill, the Juvenile Justice Bill, the Domestic Violence Bill and the Adoption Bill) have been presented to the respective attorneys-general for consideration.

28. In September 2005, Anguilla held a public workshop to discuss setting up a human rights commission. This was followed in November 2005 by a workshop on domestic violence which was organised jointly by the Family Hope Network and the chief minister's office.

29. In the British Virgin Islands, funds have been allocated for the construction of a new building at HM Prison Balsum Ghut to house women prisoners and illegal immigrants. This will mean female prisoners can be moved from the inadequate Road Town Prison.

30. In the Falkland Islands, new legislation came into effect in July 2006 empowering the director of fisheries to refuse to grant, or to revoke, an overseas master fishing licence where the applicant or holder has been convicted of any offence involving violence towards, or maltreatment of, any member of the crew of a fishing vessel of which he was at the time a master or mate or officer within the preceding 5 years. The director can also refuse to grant a licence where he reasonably believes that the applicant has been convicted of any of these offences.

31. Montserrat has set up a human rights reporting committee. A consultant has been working with the committee on a public education strategy. Her report has been widely disseminated for public comment, and it is hoped that an independent human rights commission will be established.

32. In March 2006, the Turks and Caicos Islands executive council agreed to re-establish its human rights committee.

33. The newly established Cayman Islands human rights committee held its first meeting in November 2005 and discussed the possibility of including a fundamental rights chapter in any new constitution.

#### **D. Information and publicity**

34. The Government is committed to raise awareness and promote the importance of human rights particularly, but not exclusively, among public authorities (including central and local government, Health Service, police and armed services). The HRA makes it unlawful for a public authority to act in a way that is incompatible with a ECHR right unless it is required to do so by primary legislation that cannot be interpreted in any other way. The ECHR's progressive nature is reflected in the requirement that ECHR rights need to be "secured to everyone" and by the doctrine of positive obligations being developed by the Strasbourg court and, increasingly, by UK courts. The consequence is that public authorities are required as a matter of law to adopt a proactive rather than a reactive approach to implementing the HRA. In practice this means that



in making decisions about people's rights, including decisions that affect their own staff, public authorities must have human rights principles in mind when developing and delivering all their services.

35. A cross-Government strategic review of the position of human rights within central Government was carried out in 2004. This was an opportunity to compare experiences across and between Departments. As a result of this review, the Government has re-established the network of human rights contacts in Government Departments that has taken the lead in encouraging the spread of good practice. The network also provides a means of reinforcing key messages and alerting policy officials to developments in human rights. The Government is also planning wider human rights training for civil servants.

36. Following the publication of the "Review of the Implementation of the Human Rights Act" in July 2006 (see below), the Government is engaged in a wide human rights awareness campaign. This includes the production of a new handbook on human rights for public authorities *Human Rights: Human Lives*.<sup>36</sup> This handbook is being distributed to public authorities to raise awareness of human rights amongst the non-legal staff of public authorities and introduce them to the characteristic thinking processes that go with balancing the rights of the individual against the rights of others and the interests of the wider community. The campaign also includes a more proactive communication strategy in the field of human rights in order to challenge the myths surrounding the implementation of human rights in the UK. The Government is also raising public awareness of human rights through various public events in co-ordination with the National Archives and by better co-ordination with the work of NGOs (through, for example, the Equality and Diversity Forum which comprises the three Equality bodies<sup>37</sup> and several major NGOs). The Government has set up a Ministerial Group to ensure that Department and Agencies whose work involves decisions affecting the security of the public will urgently analyse and revise the guidance and training they provide to staff.

## **PUBLICATIONS**

37. Since the last ICESCR report, the UK Government has been publishing an "Annual Human Rights Report"<sup>38</sup> that provides an overview of the major countries of concern, human rights protection in Europe and in the rest of the world, and tackles specific types of human rights and the general promotion of democracy, equality and freedom all over the world.

38. The Government currently produces and will continue to issue upon request the leaflet, "Human Rights Act – an Introduction"<sup>39</sup> - available in ten languages.

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<sup>36</sup> <http://www.dca.gov.uk/peoples-rights/human-rights/pdf/hr-handbook-public-authorities.pdf>.

<sup>37</sup> The CRE, the DRC and the EOC.

<sup>38</sup> <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1159199103169>.

<sup>39</sup> <http://www.dca.gov.uk/peoples-rights/human-rights/pdf/hrintro.pdf>.

39. In July 2004, the Government published the “Interdepartmental Review of International Human Rights Instruments”.<sup>40</sup> The review was announced on 7 March 2002 to evaluate the UK’s position on international human rights instruments in the light of experience of the operation of the HRA, the availability of existing remedies within the UK, and law and practice in other EU Member States. The main conclusions of the review were that:

- For the first time, the UK accepted the right for individual UK citizens to petition the UN under the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women. The Government decided to accept this Optional Protocol so as to enable it to consider on a more empirical basis the merits of the right of individual petition which exists under a number of UN treaties;
- The UK should ratify Protocol 13 to the ECHR,<sup>41</sup> which abolishes the death penalty in all circumstances, and the Optional Protocol to the UN Convention Against Torture,<sup>42</sup> which establishes a system of regular visits by independent international and national bodies to places of detention in signatory states.

40. In July 2006, the Government published the “Review of the Implementation of the Human Rights Act”.<sup>43</sup> The aim of the review was to evaluate the HRA focusing on its impact in UK law and in policy formulation while identifying the myths and misperceptions regarding human rights in the UK. The review concluded that:

- The Government remains fully committed to the ECHR, and to the way in which it is given effect in UK law by the HRA;
- The Government is conducting a thorough review of how police, probation, parole and prison services balance public protection and individual rights and, if necessary, will legislate to ensure that public protection is given priority;
- There will be a major push for the provision of better and more consistent guidance and training on human rights within Government, with specific reference to areas in which such guidance is currently lacking;
- The Government will revise and strengthen generic guidance on human rights for public sector managers, placing particular emphasis upon safety arguments;
- The Government must take a proactive, strategic and co-ordinated approach to human rights litigation, so that it has the maximum possible impact on future case law under the HRA;

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<sup>40</sup> <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm#1>.

<sup>41</sup> Ratified by the UK on 10 October 2003.

<sup>42</sup> Ratified by the UK on 10 December 2003.

<sup>43</sup> [http://www.dca.gov.uk/peoples-rights/human-rights/pdf/full\\_review.pdf](http://www.dca.gov.uk/peoples-rights/human-rights/pdf/full_review.pdf).

- The Government will lead a drive to ensure that the public as well as the wider public sector are better informed about the benefits which the HRA has given ordinary people, and to debunk many of the myths which have grown up around the Convention rights.

41. Since July 2006, the Government is publishing a quarterly “Human Rights Newsletter”<sup>44</sup> which complements the Annual Human Rights Report and outlines the Government’s priorities in the field of international human rights.

42. In October 2006, the Government published a revised edition of “A Guide to the Human Rights Act 1998”. This is available online<sup>45</sup> as well as in hard-copy format. The guide is aimed at non-experts and is a useful aide memoir for public authorities. Previous editions have also been popular with students, whilst at the same time being an understandable guide for the general public.

43. Finally, the Committee should note that additional publications and guidance on domestic legislation or regulations reflecting the rights contained in the Covenant are also published by the Government Departments responsible for the specific policy area.

### **Northern Ireland**

44. The Government has developed guidance to help public authorities in Northern Ireland understand how the HRA and the ECHR affect their work. “Get in on the Act: Learning about the Human Rights Act” explains the various Convention Rights and provides examples that are relevant to the work of the Northern Ireland Departments. Each chapter includes a number of scenarios and readers can apply the knowledge and learning. An accompanying A2 poster of the text of the ECHR sets out the Convention rights and is a useful visual aid for policy makers. A Human Rights Act Impact Assessment Pro Forma has also been developed to assist policymakers in Northern Ireland to assess the potential human rights impacts of their policies and decisions.

### **Wales**

45. The Welsh Assembly Government is considering training for all operational, policy and managerial staff on the HRA and how this impacts on their day to day work. In 2000-2001, Legal Services designed an overview/basic awareness training on the HRA. This was rolled out across Assembly Government staff. In addition Legal Services organised two successful events, one in Cardiff and one in North Wales on the Act, involving interactive workshops. It is hoped that this expertise can be utilised to provide further training and this will be explored. In terms of public awareness, there will be campaign materials made available and tailored to the needs of the Welsh Assembly Government.

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<sup>44</sup> [http://www.fco.gov.uk/Files/kfile/fco\\_HumanRights\\_e-newsletter\\_2.pdf](http://www.fco.gov.uk/Files/kfile/fco_HumanRights_e-newsletter_2.pdf).

<sup>45</sup> <http://www.dca.gov.uk/peoples-rights/human-rights/pdf/act-studyguide.pdf>.

## **INTERNET**

46. The Government runs dedicated pages to national and international human rights instruments on the web sites of the Ministry of Justice and the Foreign and Commonwealth Office.

Ministry of Justice

<http://www.dca.gov.uk/peoples-rights/human-rights/index.htm>

Foreign & Commonwealth Office

[www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights)

47. The periodic reports on the ICESCR and the Committee's concluding observations are available on the web site of the Ministry of Justice:

<http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>

## **EDUCATION**

48. Early in 2005, the Government approached the British Institute of Human Rights (BIHR) to manage a study to establish the nature and extent of the resources available to schools to teach about the rights and freedoms protected by the HRA specifically and human rights thinking more broadly, and to suggest ways in which the Government might further support this area of work. Following the report's recommendations, the Government is now working with the BIHR to produce a resource for use within the citizenship curriculum at Key Stage 3 (pupils aged 11 to 14), associated teacher training material and whole-school guidance to enable schools to meet both their obligations under the HRA and to enable them to build a human rights based culture within schools. Initial pilots of the resource are expected to take place before the end of July 2007, with wide-scale trials following in the autumn. A network of educational professionals and human rights experts has been established to advise on the development of the resources, and the Government continues to develop strategic partnerships with key organisations and education providers to facilitate the development, piloting and eventual production and roll-out.

### **E. Legal status and specific implementation of the Covenant**

#### **Legal status of the ICESCR**

49. The ICESCR applies to the UK, the CDs and the OTs (with the exception of Anguilla, the British Antarctic Territory, the British Indian Ocean Territory and the British Sovereign Base Areas on Cyprus).

50. Parliamentary sovereignty and autonomy is a fundamental constitutional principle of the UK. This means that, under UK law, international instruments ratified by the UK are not directly enforceable by domestic courts unless they have been specifically incorporated into domestic law by an Act of Parliament. However, it is British Government policy not to ratify treaties unless confident that domestic law and practice is consistent with them. Moreover there is a well-established principle that courts will interpret domestic statutes, passed after the date of a treaty, as intended to carry out the treaty obligations and not to be inconsistent with them. In addition if development of the common law is called for, the courts will decide cases in harmony with the UK international obligations.

51. The ICESCR has not been and is not expected to be incorporated into domestic law. This means that the rights contained in the Covenant are not directly enforceable by domestic courts. Nevertheless, courts may refer to the obligations arising from the Covenant when interpreting or enforcing relevant domestic legislation.

52. As Section 8 of this report (“Progress since the fourth report on each of the articles in parts I, II and III of the Covenant”) will explain in detail, the rights contained in the Covenant receive protection and are progressively being realised under domestic legislation or other measures. Additional human rights protection is also ensured by the other international human rights instruments ratified by the UK (see table under Section 3 of the report “General legal framework within which human rights are protected”).

### **Declarations and reservation to the ICESCR**

53. With regard to the status of the declarations and reservations to the Covenant, the Committee should note the following:

#### Declarations

- The declaration on Article 1(3) is maintained;
- The declaration on Article 2(3) is maintained (but is void for the Gilbert Islands and Tuvalu as the UK is no longer responsible for these territories).

#### Reservations

- The reservation on Article 6 is maintained;
- The reservation on Article 7(a)(i) is maintained (but is void for Hong Kong and the Solomon Islands as the UK is no longer responsible for these territories);
- The reservation on Article 8(1)(b) is void as the UK is no longer responsible for Hong Kong;
- The reservation on Article 9 is maintained;
- The reservation on Article 10(1) and 10(2) is maintained (but is void for the Solomon Islands as the UK is no longer responsible for these territories);
- The reservation on Article 13(2)(a) and Article 14 is void as the UK is no longer responsible for the Gilbert Islands, the Solomon Islands and Tuvalu;
- The general reservation on behalf of Southern Rhodesia is void as the UK is no longer responsible for this territory.

54. The tables in the following pages summarise the status of the declarations and reservations placed by the UK since the ratification of the ICESCR.

### DECLARATIONS

Article of the ICESCR	Declarations	Status	Note
<p><b>Article 1(3)</b> – “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”</p>	<p>In the event of any conflict between UK’s obligations under Article 1 and the UK’s obligations under the Charter, the obligations under the Charter shall prevail.</p>	<p><b>Maintained.</b></p>	<p>The Government considers that it remains necessary to clarify that Article 1 of the Covenant is not to be interpreted as imposing on an administering power greater obligations in respect of its overseas territories than the UN Charter itself.</p>
<p><b>Article 2(3)</b> – “Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognised in the present Covenant to non-nationals.”</p>	<p>The Government of the United Kingdom declare that for the purposes of Article 2(3) the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu are developing countries.</p>	<p><b>Maintained (void for the Gilbert Islands and Tuvalu).</b></p>	<p>The Gilbert Islands and Tuvalu are now independent States.</p>

### RESERVATIONS

Article of the ICESCR	Reservations	Status	Note
<p><b>Article 6</b> – “1. The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. 2. The steps to be taken by a State Party to the present Covenant to achieve the full realisation of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”</p>	<p>The Government of the United Kingdom reserve the right to interpret Article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory.</p>	<p><b>Maintained.</b></p>	

Article of the ICESCR	Reservations	Status	Note
<p><b>Article 7(a)(i)</b> – “The States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:</p> <p>(a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.”</p>	<p>The Government of the United Kingdom reserve the right to postpone the application of sub-paragraph (i) of paragraph (a) of article 7, in so far as it concerns the provision of equal pay to men and women for equal work in the private sector in Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands.</p>	<p><b>Maintained (void for Hong Kong and the Solomon Islands).</b></p>	<p>The UK is no longer responsible for Hong Kong and the Solomon Islands.</p>
<p><b>Article 8(1)(b)</b> – “1. The States Parties to the present Covenant undertake to ensure: [...] (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organisations.”</p>	<p>The Government of the United Kingdom reserve the right not to apply sub-paragraph 1(b) of article 8 in Hong Kong.</p>	<p><b>Void.</b></p>	<p>The UK is no longer responsible for Hong Kong.</p>
<p><b>Article 9</b> – “The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.”</p>	<p>The Government of the United Kingdom while recognising the right of everyone to social security in accordance with article 9 reserve the right to postpone implementation of the right in the Cayman Islands and the Falkland Islands because of shortage of resources in these territories.</p>	<p><b>Maintained.</b></p>	
<p><b>Article 10(1) and (2)</b> – “The States Parties to the present Covenant recognise that:</p> <p>1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.</p>	<p>The Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of customary marriages in the Solomon Islands and the application of paragraph 2 of article 10 in so far as it concerns paid maternity leave in Bermuda and the Falkland Islands.</p>	<p><b>Maintained (void for the Solomon Islands).</b></p>	<p>The Solomon Islands is an independent State.</p>

Article of the ICESCR	Reservations	Status	Note
<p>2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.”</p>			
<p><b>Article 13(2)(a)</b> – “The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right: (a) Primary education shall be compulsory and available free to all. <b>Article 14</b> – Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”</p>	<p>The Government of the United Kingdom maintain the right to postpone the application of sub-paragraph (a) of paragraph 2 of article 13, and article 14, in so far as they require compulsory primary education, in the Gilbert Islands, the Solomon Islands and Tuvalu.</p>	<p><b>Void.</b></p>	<p>The Gilbert Islands, the Solomon Islands and Tuvalu are now independent States.</p>
<p><b>All Articles</b></p>	<p>The Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.</p>	<p><b>Void.</b></p>	<p>Southern Rhodesia is now an independent State (Zimbabwe).</p>



## F. The role of international cooperation in the implementation of the Covenant

55. One of the UK's strategic international priorities, though not an international legal obligation, over the next five to ten years is promoting sustainable development and poverty reduction underpinned by human rights, democracy, good governance and protection of the environment.

56. The Government is committed to the Millennium Development Goals<sup>46</sup> and is therefore focusing its efforts on the promotion of sustainable development and reducing poverty worldwide. As part of this approach, the Government promotes the realisation of human rights by developing policy, practice and partnerships that integrate human rights and development. Through development programmes and diplomatic efforts, the Government continues to encourage governments around the world to ratify the UN human rights treaties, to help them abide by the obligations that those treaties place on states, and to put them into practice in national legislation and policy.

57. The Government's policy paper *Realising Human Rights for Poor People*<sup>47</sup> (2000) outlines ways in which the UK can support partner governments to fulfil their human rights obligations, and strengthen the capacity of people to claim their rights. This is reinforced by more detailed guidance on specific economic, social and cultural rights: *How to Reduce Maternal Deaths, Rights and Responsibilities*<sup>48</sup> (2005), *Sexual and Reproductive Health and Rights*<sup>49</sup> (2004), *Labour Standards and Poverty Reduction*<sup>50</sup> (2004), *Reducing Poverty by Tackling Social Exclusion*<sup>51</sup> (2005), *Gender Equality Action Plan*<sup>52</sup> (2007).

58. The policy paper *Partnerships for Poverty Reduction: Rethinking Conditionality*<sup>53</sup> (2005) clearly re-stated the Government's commitment to developing effective partnerships with other governments on the basis of a shared commitment to three objectives: poverty reduction and reaching the Millennium Development Goals, respecting human rights and other international

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<sup>46</sup> The eight goals were announced in 2000 and include halving the number of people living in extreme poverty, halting the spread of HIV/AIDS, and providing primary education for all by 2015.

<sup>47</sup> <http://www.dfid.gov.uk/pubs/files/tsphuman.pdf>.

<sup>48</sup> <http://www.dfid.gov.uk/pubs/files/maternal-how.pdf>.

<sup>49</sup> <http://www.dfid.gov.uk/pubs/files/talkinghealthsexpregnancy.pdf>.

<sup>50</sup> <http://www.dfid.gov.uk/pubs/files/labourstandardsJune04.pdf>.

<sup>51</sup> <http://www.dfid.gov.uk/pubs/files/social-exclusion.pdf>.

<sup>52</sup> <http://www.dfid.gov.uk/pubs/files/gender-equality-plan-2007.pdf>.

<sup>53</sup> <http://www.dfid.gov.uk/pubs/files/conditionality.pdf>.

obligations, and strengthening financial management and accountability in order to avoid corruption and make sure that British taxpayers are getting value for money. Aid will only be withdrawn if there is a breach of one of these principles.

59. In July 2006, the Government produced a major White Paper: *Eliminating world poverty: making governance work for the poor*.<sup>54</sup> The paper sets out the Government's future approach to development and highlights the link between good governance and poverty reduction. The White Paper sets out three basic requirements for good governance: state capability (the extent to which leaders and governments are able to get things done), responsiveness (whether public policies and institutions respond to needs of citizens and uphold their rights), and accountability (the ability of citizens, civil society and the private sector to scrutinise public institutions and governments and hold them to account). The White Paper also reaffirms the key principles to decide how to provide assistance to developing countries: commitment to poverty reduction, commitment to uphold human rights and international obligations, commitment to improve financial management, promote good governance and transparency, and fight corruption. Finally, the White Paper commits the UK to helping developing countries improving the delivery of four essential public services (in line with the Millennium Development Goals): education, health, water and sanitation, and social protection.

### **Country programmes**

60. The Government supports a wide range of human rights activities through country programmes. A human rights review, carried out in 2004, revealed the large body of work integrating human rights in development policy and programmes. For example:

- The use of human rights analysis to inform strategy (e.g. Bolivia, Brazil);
- The use of analysis of international human rights standards and reporting obligations (e.g. Overseas Territories);
- Rights-based interventions in health, education and livelihoods (e.g. Malawi);
- Developing rights based approaches to health service delivery (e.g. Peru and Nepal);
- A rights-based livelihood programme to fulfil the right to adequate food and the right to land for poor and vulnerable citizens (e.g. Tanzania);
- A programme to promote the rights of workers (e.g. Colombia);
- A programme to increase opportunities for poor men, women and children to demand recognition of their rights (e.g. Bangladesh).

61. The Government also aims to address economic social and cultural rights in humanitarian interventions.

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<sup>54</sup> [www.dfid.gov.uk/wp2006](http://www.dfid.gov.uk/wp2006).

### **Partnership with international organisations and organised civil society**

62. The Government supports a wide range of human rights activities through partnerships with multi-lateral, bi-lateral and civil society organisations.

- As part of the Government’s engagement with the UN, the Government supports Action 2, a UN programme to mainstream, strengthen and streamline UN human rights work at country level;
- The Government is also actively engaged with the work of the Organisation for Economic Co-operation and Development (OECD) on the human rights agenda and has been part of the team developing the Action-oriented Policy Paper on the Integration of Human rights and Development 2007;
- The Government’s “Civil Society Challenge Fund” supports initiatives in developing countries which strengthen the capacity of poor people to understand and demand their rights - civil, political, economic and social - and to improve their economic and social well-being.`

### **Global Opportunities Fund<sup>55</sup>**

63. The Government has established a Global Opportunities Fund<sup>56</sup> which supports international projects falling under various thematic areas, including sustainable development, reuniting Europe, engaging with the Islamic world, counter-terrorism, economic governance, and climate change and energy.

64. For the purposes of the ICESCR, the following programmes and objectives are being taken forward:

- Economic Governance Programme covering: Public expenditure management and fiscal reform; Labour market reform; Financial sector reform; Anti-corruption and transparency; Corporate social responsibility; Trade policy, including WTO/FTA issues, promoting intellectual property rights, and maritime safety and security; Market regulation promoting a safer environment for business and investment;
- Engaging with the Islamic World programme covering: Reforms in schools to promote international engagement, social inclusion and critical, open thinking and improve governance and accountability; Economic reforms supported by reviews of national

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<sup>55</sup> Foreign & Commonwealth Office, *Annual Human Rights Report 2006*, pp. 233-247, available online at [www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights).

<sup>56</sup> See Foreign & Commonwealth Office, *Annual Human Rights Report 2006*, pp. 22-25, available online at [www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights). See also [www.fco.gov.uk/gof](http://www.fco.gov.uk/gof).

economic plans bilaterally or in regional for a such as the OECD; Civil society legitimised and plays a greater role in discussions with governments; Media organisations strengthened and increasingly hold government decision-making to account, increasing public debate;

- Re-uniting Europe programme covering: To increase Political and Economic Transparency and Accountability; To improve Social Integration through Education and Public Awareness; Contribution to the Creation of a Pro-Business Environment;
- Sustainable Development programme covering: Achieve improved access to information, greater public participation in decision-making and better access to justice on environmental issues; Achieve more sustainable forest management; Promote growth, support livelihoods and protect the environment through sustainable tourism.

### **Youth Employment Network<sup>57</sup>**

65. In June 2005, the UK became the first industrialised country to join the Youth Employment Network, a partnership between the UN, the World Bank, and the International Labour Organisation aimed at tackling the issue of youth unemployment at local and global level. Since then, the Government provided funding for the establishment of a youth employment unit in Dakar and is working closely with a range of businesses through the *Business Action for Africa Initiative* which supports skills training and youth enterprise in Africa.

### **Promotion of specific economic, social and cultural rights<sup>58</sup>**

66. *Right to education.* In April 2006, the Government announced it would spend £8.5 billion in support of education over the next 10 years, mostly in Sub-Saharan Africa and South Asia. This long-term commitment will provide governments with predictable funding against which they can prepare ambitious 10-year investment plans to achieve their education goals. For example, the Government is working closely with Nigeria to help it create a 10-year plan to provide free education for all Nigerian children. Conversely, the Government is ensuring that UK education covers an international dimension, including eight key concepts: citizenship, sustainable development, diversity, values and perceptions, interdependence, conflict resolution, and human rights. The web site [www.globalgateway.org](http://www.globalgateway.org) has been established to enable schools from different countries to work together and to access resources covering all aspects of educational improvement in the UK.

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<sup>57</sup> Foreign & Commonwealth Office, *Annual Human Rights Report 2006*, pp. 233-247, available online at [www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights).

<sup>58</sup> Foreign & Commonwealth Office, *Annual Human Rights Report 2006*, pp. 233-247, available online at [www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights).

67. *Right to health.* On the containment and progressive elimination of the spread of HIV/AIDS, the UK prioritises the rights and needs of women, young people and children affected by AIDS. The UK is the second largest bilateral donor to combating AIDS (after the United States) and committed £1.5 billion over the period 2005-2008 of which around 10% will be spent on programmes for children affected by AIDS. The UK also made AIDS a centrepiece of its 2005 presidencies of the G8 and the European Union, and supported a number of specific programmes, including: harm reduction programmes (including needle exchange) in Russia, a Bangladesh-based outreach programme to empower prostitutes and their children to access basic services, an HIV/AIDS programme in Ghana to establish legal and policy frameworks to protect the rights of vulnerable groups living with HIV/AIDS. The Government supported new maternal health programmes in Yemen, Cambodia and Pakistan on the basis of its 2005 strategy *Reducing maternal deaths: rights and responsibilities*<sup>59</sup>. The UK is supporting similar initiatives in Bangladesh, Tanzania, Malawi, India, South Africa and Nepal.

68. *Right to housing.* The Government provided funding to UN HABITAT (the UN Human Settlements Programme) over the past two years. In 2005-2006, the UK also provided significant funding to “Cities Alliance”,<sup>60</sup> a global coalition of cities and development partners aimed at reducing urban poverty. The Government continued to support the Community-Led Infrastructure Financing Facility (CLIFF) which provides loans for community-led upgrade projects and is managed by Homeless International.<sup>61</sup>

69. *Right to food.* The Government has worked with the UN Food and Agricultural Organisation (FAO) to develop guidelines for governments to plan their national food security strategies within wider strategies of poverty reduction. In addition, the Government is committed to working with EU Member States and African governments on a number of long-term programmes with the aim of taking 16 million people out of chronic food insecurity by 2009.

70. *Corporate Social Responsibility.* The Government is working closely with businesses and international organisations to promote “Corporate Social Responsibility” aimed at providing a framework to help businesses act more responsibly, in terms of human rights protection, in the countries where they operate. In particular, the Government is supporting five key initiatives: the Extractive Industries Transparency Initiative (to ensure full publication and verification of company payments and government revenues from oil, gas and mining), the Voluntary Principles on Security and Human Rights, the UN Global Compact (a set of ten principles for businesses covering labour rights, environmental protection and anti-corruption), the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, and the Kimberley Process Certification Scheme (to sever the link between the illicit sale of diamonds and conflict in Africa).

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<sup>59</sup> <http://www.dfid.gov.uk/pubs/files/maternal-how.pdf>.

<sup>60</sup> [www.citiesalliance.org](http://www.citiesalliance.org).

<sup>61</sup> [www.homeless-international.org](http://www.homeless-international.org).

## II. REPORTING ON THE SUBSTANTIVE PROVISIONS

### A. Response to the concluding observations of the Committee on Economic, Social and Cultural Rights<sup>62</sup>

71. The Committee made several recommendations in its concluding observations of 5 June 2002 and asked to include in the present report an update on the progress made towards the implementation of these recommendations. The Committee's suggestions and recommendations are addressed in turn.

**Paragraph 24 of the concluding observations. Affirming the principle of the interdependence and indivisibility of all human rights, and that all economic, social and cultural rights are justiciable, the Committee reiterates its previous recommendation (see paragraph 21 of its 1997 concluding observations) and strongly recommends that the State party re-examine the matter of incorporation of the International Covenant on Economic, Social and Cultural Rights in domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant.**

72. The Government has noted general comment No 9 and agrees with the Committee's present recommendation that, even in the case of a dualist system, such as that of the UK, the State Party is under an international obligation to comply with the Covenant and to give full effect to it within domestic law. Through appropriate legislation and administrative measures (see Section 5 of this report on "Legal status and specific implementation of the Covenant"), the Government is complying with the Covenant by progressively realising, without discrimination, the rights contained in articles 1 to 15 of the Covenant.

73. There is no legal obligation to transpose the Covenant into domestic law, providing that steps are taken progressively to realise the Covenant's rights, without discrimination. Paragraph 5 of general comment No 9 recognizes this position by stating that: "*The Covenant does not stipulate the specific means by which it is to be implemented in the national legal order. And there is no provision obligating its comprehensive incorporation or requiring it to be accorded any specific type of status in national law. Although the precise method by which Covenant rights are given effect in national law is a matter for each State party to decide, the means used should be appropriate in the sense of producing results which are consistent with the full discharge of its obligations by the State party*".

74. With regard to the question of the "justiciability" of the rights contained in the ICESCR, that is the enforcement by domestic courts of the Covenant's rights, the Government noted the

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<sup>62</sup> You ref. E/C.12/1/Add.79 of 5 June 2002.

strong arguments in favour of this approach expressed in general comment No 9, and is studying with interest the evolving Constitutional practice of other countries, particularly South Africa. Nevertheless, the Government is not convinced that it can incorporate the rights contained in the ICESCR in a meaningful way within the British legal system for several reasons:

- Some of the rights contained in the Covenant are not clearly defined, the main example is the right to an adequate standard of living (Article 11). It is unclear how domestic courts would fairly assess claims brought under this article and similarly ambiguous articles since the standards are likely to vary between individuals. For example, it is not clear how courts could judge whether there has been an absence of general progress in a particular case where an individual claimed that he/she had not fully enjoyed the right to the highest attainable standard of physical and mental health (art. 12);
- The Government is also constrained by limited budgetary resources in progressively realising the rights contained in the Covenant thus a judicial decision that the Government should have made greater progress in one area, for example health, would imply a reduction in the investment into another area, for example education. In other words, according to the claims brought in court, the Government would have to continue to shift its priorities and investments;
- The progressive realisation of the rights contained in the Covenant can be achieved in different ways depending on the political views of the Parliamentary majority supporting the Government. Some people may judge that the realisation of these rights requires targeted interventionist policies while others may judge that the best chances for improvement come from de-regulating the market and allowing individual economic initiative to achieve the standards set out in the ICESCR. It would be inappropriate for courts to have the last word in what is ultimately governmental economic policy. For example, the right to adequate housing (art. 11) is not, and rightly so, the right for everyone to have a house provided by the Government. For some people, the right to adequate housing may mean being provided with a shelter when they cannot provide for themselves while for other people it means the Government providing an economic environment in which they can earn sufficient income to be able to afford an accommodation;
- Individuals in the UK are already empowered under a variety of legislation, regulations and administrative rules to challenge Government's policy in the area of economic, social and cultural rights. For examples, individuals can petition their local Member of Parliament or file a complaint against a public authority for failing in its duties (support and advice is available through the Equality bodies,<sup>63</sup> the Citizens Advice Bureau and a range of NGOs).

75. The Government does not dispute that economic, social and cultural rights are as important as and indivisible from civil and political rights. However, this does not mean that all human

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<sup>63</sup> The CRE, the DRC and the EOC.

rights require identical approaches and, in the case of economic, social and cultural rights, the UK's policy has been to take legislative measures within the scope of each right where these have practical and beneficial effect to the UK. For example, the UK has several policies, programmes and legislative measures such as the Education Act and the Disability Discrimination Act which are designed to help people to enjoy the right to education.

**Paragraph 25 of the concluding observations. The Committee further recommends, recalling its previous recommendation (see paragraph 33 of its 1997 concluding observations), that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national legislation and policy on issues such as poverty reduction, social welfare, housing, health and education. Given that its general comments are based upon experience gained over many years, including the examination of numerous States parties' reports, the Committee urges the State party to give careful consideration to its general comments and statements when formulating policies that bear upon economic, social and cultural rights.**

76. It is Government policy to comply with its international obligations, including when legislating. As explained in this and previous periodic reports, the Government has introduced a significant amount of legislation and administrative measures towards the realisation of the rights contained in the Covenant.

77. The Committee should also note that it is standard practice for the Government to consult with organised civil society whenever it is planning a new policy or regulation, or when it carries out measures that are likely to impact significantly on business, the public sector, charities, the voluntary sector or on a specific sector or sectors of the community.

78. In addition, the Government expects the newly established CEHR to have a broad remit including the major UN international human rights instruments ratified by the UK. Once fully operational, the CEHR will have the power to conduct inquiries and make recommendations, to monitor domestic law and advise the Government about changes in the law, to provide information, advice and training, and conduct research. The CEHR will also have the power to intervene or to institute legal proceedings for judicial review and will be able to monitor the Government's compliance with international human rights obligations.

79. The UK Parliament, particularly the Joint Committee on Human Rights, also scrutinises the progress of the Government in realising the rights contained in the Covenant. The last Parliamentary Report on the ICESCR was published on 2 November 2004.<sup>64</sup>

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<sup>64</sup> House of Lords and House of Commons Joint Committee on Human Rights, *The International Covenant on Economic, Social and Cultural Rights*, 21<sup>st</sup> Report, Session 2003-04, 20 October 2004. Available online at <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/183/183.pdf>.



**Paragraph 26 of the concluding observations. The Committee encourages the State party, as a member of international financial institutions, in particular the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organisations are in conformity with the obligations of States parties under the Covenant, in particular with the obligations contained in articles 2.1, 11.2, 15.4 and 23 concerning international assistance and co-operation.**

80. The Government is actively engaged in ensuring that the policies and investments of the World Bank and regional development banks help their members in the substantive realisation of their economic, social and cultural rights obligations. The Government contributed to the World Bank's 2006 World Development Report, *Equity and Development*,<sup>65</sup> which explores the ways in which structural and distributional inequalities can hinder development.

81. The Government promotes UK economic prospects by pursuing international financial stability and increased global prosperity, especially by protecting the most vulnerable. The International Monetary Fund (IMF) is an important component in supporting the UK's strategy, by bringing nations together to work on fostering global monetary co-operation, securing financial stability, promoting sustainable economic growth, and reducing poverty. This multilateral work underpins the UK's ability to deliver the obligations of the Covenant.

82. The UK is committed to multilateralism and advocates reforms to ensure continued relevance and effectiveness of the IMF. In practice this means that the Government has been actively engaged in the IMF medium-term strategic review, ensuring that this opportunity to reform both the work and governance of the Fund is utilised to deliver a more effective, legitimate and credible institution.

83. One of the UK priorities in this strategic review has been to ensure a more co-ordinated and integrated approach to Technical Assistance. The UK believes that IMF Technical Assistance plays a crucial role in helping low income countries to strengthen their economic institutions and to design appropriate macroeconomic and structural policy reforms, and has worked to ensure that Technical Assistance is appropriately furnished, enabling the IMF to better help low-income countries make progress towards the Millennium Development Goals.

**Paragraph 27 of the concluding observations. The Committee urges the State party to prepare, as soon as possible, a national human rights plan of action in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action.**

84. Paragraph 71 of the Vienna Declaration and Programme of Action (1993), states that: "*The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights*".

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<sup>65</sup> <http://siteresources.worldbank.org/INTWDR2006/Resources/47738327230817535/082136412X.pdf>.

85. The responsibility for meeting the international obligations under the human rights instruments ratified by the UK, in terms of protection and promotion of rights arising under each instrument, belongs to the Government Department dealing with the specific subject area. The relevant Government Department is also responsible for liaising closely with the Devolved Administrations and, where the territorial application of the instrument has been extended, with the OTs and the CDs. It is not clear what added value a national human rights action plan would bring. Such a plan would end up summarising who is responsible for what but this aim can be best achieved by creating, and maintaining up to date, a “core document” (expanding on the general information already provided in the first part of this report) which could then be used in the Government’s periodic reports.

86. As indicated in Section 4 of the report (“Information and publicity”), the Government is already engaged in a wide human rights awareness campaign. The Committee should also note that the CEHR, once fully operational, is expected to play a significant role in the promotion and protection of human rights.

**Paragraph 28 of the concluding observations. The Committee strongly recommends that the State party establish a national human rights commission for England, Wales and Scotland, with a mandate to promote and protect all human rights, including economic, social and cultural rights.**

87. As explained in Section 3 of the report (“General legal framework within which human rights are protected”), the Equality Act 2006 provides for the establishment of the CEHR which will cover England and Wales. The Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland already cover Northern Ireland. The Scottish Commission for Human Rights Act 2006 provides for the establishment of a Commission for Human Rights in Scotland.

## **Wales**

88. The Welsh Assembly is developing policy tools to inform the work of the CEHR, the Wales Committee and the Welsh Assembly action plans. The next step is to collate evidence and consult with the voluntary sector and other stakeholders. Two models are to be produced, one for the Welsh Assembly Government and one for the CEHR. The CEHR will liaise with existing regional human rights networks and different bodies such as the Children’s Commissioner, the Welsh Language Board, the Commissioner for Older People in Wales, and the audit inspection bodies in Wales. A Wales helpline working group has also been established. The service will be bilingual and based in Cardiff. Agents will be trained to deliver non-legal advice and provide information across all strands of the CEHR. A key area in relation to advice and information is the transfer of expertise from those initiatives that have been successful in Wales such as the Trade Union programme on discrimination law at Cardiff University.

**Paragraph 29 of the concluding observations. The Committee strongly recommends the inclusion of effective protection for economic, social and cultural rights, consistent with the provisions of the Covenant, in any bill of rights enacted for Northern Ireland.**

89. The Good Friday Agreement, and subsequently the Northern Ireland Act 1998, task the Northern Ireland Human Rights Commission with advising the Government on “the scope for defining, in Westminster legislation, rights supplementary to those in the ECHR, to reflect the particular circumstances of Northern Ireland”.

90. At St Andrews in October 2006, the Government announced that a Bill of Rights Forum would be established to encourage discussion of a Bill of Rights for Northern Ireland consistent with the remit given to the Northern Ireland Human Rights Commission. The Forum, under the Chairmanship of a respected international human rights expert, consists of 28 members split equally between local political representatives and representatives of civil society. The conduct of the Forum is entirely a matter for the Chair and the members. The Forum is expected to complete its remit and provide agreed recommendations to inform the Northern Ireland Human Rights Commission’s advice to the Secretary of State by the end of 2007.

**Paragraph 30 of the concluding observations. The Committee urges the State party to ensure that human rights education curricula and training programmes for schoolchildren and for the judiciary, prosecutors, government officials, civil servants and other actors responsible for the implementation of the Covenant give adequate attention to economic, social and cultural rights.**

91. See also Section 4 of the report (“Information and Publicity”) and the response to article 2 of the ICESCR (“Realisation of the rights contained in the Covenant”). As stated in the response to paragraph 24 of the concluding observations, the rights contained in the Covenant are being progressively realised by way of domestic legislation and other measures.

### **Scotland**

92. The Scottish Executive funded *Learning and Teaching Scotland*<sup>66</sup> to identify examples of good practice and to promote these both online and as part of the programme of work on promoting citizenship.

### **Wales**

93. Schools in Wales have a statutory responsibility to plan and deliver a broad, balanced programme of personal and social education (PSE) that meets the needs of their pupils. The non-statutory PSE Framework Key Stages 1 to 4 in Wales is the recommended document upon which schools are encouraged to base their PSE provision. However, the specific content of PSE programmes is determined at individual school level. As part of the curriculum review in Wales, the PSE Framework has been revised and updated to reflect the Welsh Assembly Government cross cutting themes and policies. These include strengthened references to the United Nations Convention on the Rights of the Child and human rights. The revised framework will be taught in schools in Wales from September 2008.

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<sup>66</sup> <http://www.ltscotland.org.uk/>.

94. At Key Stage 2 (7-11 year olds), learners should be given opportunities to:
- Value diversity and recognise the importance of equality of opportunity;
  - Understand their rights (including the UN Convention on the Rights of the Child) and responsibilities;
  - Understand how injustice and inequality affect people's lives;
  - Develop a positive attitude on issues of poverty and fairness;
  - Understand how poverty and inequality can cause problems.
95. At Key Stage 3 (11 -14 year olds), learners should be given opportunities to:
- Value and celebrate diversity and equality of opportunity locally, nationally and globally;
  - Be moved by injustice, exploitation and denial of human rights;
  - Understand their rights (including the UN Convention on the Rights of the Child) and entitlements;
  - Recognise and challenge prejudice, racism and stereotyping;
  - Understand global issues which threaten the planet (such as inequalities of wealth) and differences in health provision.
96. At Key Stage 4 (14 -16 year olds), learners should be given opportunities to:
- Develop respect for themselves and others;
  - Value diversity and equal opportunity, and be affronted by injustice, exploitation and denial of human rights;
  - Recognise the rights of future generations to meet their basic needs;
  - Understand the tensions between economic growth, sustainable development and basic human needs (such as the causes of inequality within and between societies).

**Paragraph 31 of the concluding observations. The Committee urges the State party to take more effective steps to combat de facto discrimination, in particular against ethnic minorities and people with disabilities, especially in relation to employment, housing and education. The Committee strongly recommends that the State party enact comprehensive legislation on equality and non-discrimination in United Kingdom law, in conformity with articles 2.2 and 3 of the Covenant.**

97. The Committee should note the detailed and lengthy response given by the Government in its Sixth Periodic Report on the ICCPR.<sup>67</sup>

### **Scotland**

98. Equal opportunities legislation is reserved to Westminster, but the Scotland Act 1998 gives the Scottish Parliament the power to encourage equal opportunities and to place duties on public authorities in Scotland to observe the equal opportunities requirements in their work in devolved areas. In accordance with these powers the Scottish Parliament has imposed the following legislation on public sector bodies in Scotland to combat discrimination and promote equality of opportunity in regards to race, disability and gender.

- The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002;
- The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005;
- The Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007.

99. These Regulations place specific duties on listed public bodies in Scotland to ensure the better performance of the general public sector equality duties on race, disability and gender established under the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005 and the Equality Act 2006.

100. Public bodies subject to these specific duties are required to publish race, disability and gender equality schemes setting out the actions they intend to take to meet their general equality duties. The Scottish specific duties for race and disability mirror the Regulations for England, however, the specific duties for gender place two additional duties not included in the English Order. These:

- Require public bodies with at least 150 full time members of staff to publish an equal pay statement which states that authority's policy on equal pay between men and women; and
- Place a duty on Scottish Ministers to set out priority areas for the public sector in Scotland for the advancement of equality of opportunity between women and men in Scotland and report on progress towards equality of opportunity between men and women on these priority areas every three years.

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<sup>67</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 37-47 and 71-78, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

## Wales

101. Wales has the same legal framework as England. Under section 77 of the Government of Wales Act 2006, the Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

**Paragraph 32 of the concluding observations. The Committee requests that specific information be included in the next periodic report, on the measures and programmes relevant to the Covenant undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.**

102. In January 2005, the Government published a national strategy to increase race equality and community cohesion, called *Improving Opportunity, Strengthening Society*,<sup>68</sup> which forms the basis of a renewed programme of action across Government and more widely. The strategy meets the Government's commitments to action agreed at the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the development of a national action plan against racism. The strategy has two key objectives: increase equality between ethnic groups, and develop a better sense of community cohesion by helping people from different backgrounds develop a stronger sense of "togetherness". The strategy also recognises that actions need to be tailored to the needs and circumstances of different communities, in different places.

103. In order to increase equality between ethnic groups, the strategy addresses the following areas:

- *Education*. The Government will, for example, help schools better target the £162 million Ethnic Minority Achievement Grant and will set up best practice in raising pupil attainment among ethnic minority groups. The Government will also improve the teaching of English for pupils for whom it is a second language and increase the recruitment of minority ethnic teachers to at least 9% of those entering the profession, to ensure that teachers are more representative of the communities they serve;
- *Labour market*. Focusing on the most disadvantaged groups, the Government will, for example, provide more tailored support for job seekers from ethnic minority groups. This work is supported by an overall Government strategy to improve literacy and numeracy among at least 1.5 million adults, particularly those from disadvantaged groups;

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<sup>68</sup> [http://www.communities.gov.uk/pub/615/ImprovingOpportunityStrengtheningSocietyEnglishversion\\_id1502615.pdf](http://www.communities.gov.uk/pub/615/ImprovingOpportunityStrengtheningSocietyEnglishversion_id1502615.pdf).

- *Health*. The Government will, for example, promote more tailored services to meet the particular cultural needs of different ethnic groups (for example, tailored action to promote cervical screening among Asian women in primary care, and improvements to mental health services for BME communities including through 500 new Community Development Workers);
- *Housing*. The Government will, for example, ensure that all social tenants live in decent accommodation by 2010, and will monitor its choice-based lettings programme to ensure that it does not disadvantage any ethnic group;
- *Policing and the Criminal Justice System*. The Government will, for example, introduce a new statutory duty on police authorities to promote diversity within their forces and ensure that assessments and selection panels are more representative of the BME communities they serve. Better training will also be provided to prison officers and those managing the Criminal Justice System. The creation of a Community Panel will also scrutinise the use of stop-and-search powers by the police.

104. In order to develop a better sense of community cohesion, the strategy aims, by, for example, promoting citizenship education in schools, encouraging community volunteering and supporting anti-racism campaigns, at promoting a society where:

- Young people from different communities grow up with a sense of common belonging;
- New immigrants are integrated;
- People have opportunities to develop a greater understanding of the range of cultures that contribute to the country's strength;
- People from all backgrounds have opportunities to participate to civil society;
- Racism is unacceptable;
- Extremists who promote hatred are marginalised.

105. In July 2006, the Government published *Improving Opportunity, Strengthening Society - One Year On*,<sup>69</sup> a review of the strategy which sets out the work and activities undertaken across Government since the launch of the strategy to increase race equality and community cohesion. The report outlines the progress towards achieving equality in five key areas (education, labour market, health, housing, and the criminal justice system). The Government aims to publish a second annual progress report on the strategy in summer 2007.

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<sup>69</sup> [http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneYearOnAprogressreportontheGovernmentn\\_id1501938.pdf](http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneYearOnAprogressreportontheGovernmentn_id1501938.pdf).

106. The Committee should also note the latest Government periodic report on the implementation of the International Convention on the Elimination of all forms of Racial Discrimination.<sup>70</sup>

**Paragraph 33 of the concluding observations. The Committee urges the State party to ensure that the level of the national minimum wage is determined with due regard to the requirements of an adequate standard of living. Moreover, the Committee recommends that minimum wage protection be extended to workers under 18 years of age and that the scheme be applied in a non-discriminatory manner to persons between 18 and 22 years of age.**

107. The Government's aim when setting the rates is to help the low paid through an increased minimum wage, while making sure that they do not damage their employment prospects by setting it too high. From October 2006, the minimum wage (adult rate) will provide, with Working Tax Credits and other benefits, a guaranteed income of at least £275 per week for families with one child and one full time worker, which is equivalent to well over £7.00 per hour. The minimum wage and tax credits are complementary policy tools. Attempting to use the minimum wage alone to increase in-work income would require setting it at a level that would damage the employment of low-skilled workers. And while wages do not respond to family circumstances such as number of children, tax credits do.

108. The Government extended the minimum wage to 16/17 years olds to protect young workers against the worst cases of exploitation. However the Government believes that there should be lower rates of the minimum wage for young workers. For 18-21 year olds employment and unemployment levels are already significantly less favourable than those for older workers and the Government's concern is that they might exacerbate this position if we moved young workers onto the adult rate.

**Paragraph 34 of the concluding observations. The Committee reiterates its previous recommendations (see paragraph 23 of the Committee's 1997 concluding observations) that the right to strike be incorporated in legislation and that strike action no longer entail the loss of employment.**

109. The Government noted the Committee's concluding observations on the issue of the incorporation of the right to strike into domestic law. However, having re-assessed its domestic legislation in the light of the Committee's recommendations, the Government believes that the UK does fulfil its obligations under Article 8 of the ICESCR under existing legislation.

110. Section 236 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) ensures that courts cannot order employees to work or attend at any place for the doing of work. This section has the effect of ensuring that employers cannot use the courts to compel a worker to work or to return to work. In so doing, the law ensures that workers are free to withdraw their labour if they wish.

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<sup>70</sup> [http://www.communities.gov.uk/pub/685/Part1UnitedKingdomofGreatBritainandNorthernIreland\\_id1502685.pdf](http://www.communities.gov.uk/pub/685/Part1UnitedKingdomofGreatBritainandNorthernIreland_id1502685.pdf).



111. UK law also upholds the freedom of trade unions to organise industrial action. A union is protected from civil proceedings if it organises industrial action by workers in contemplation of a trade dispute with their employer and follows proper procedures for balloting its members and notifying the employer. Secondary or solidarity action and “political strikes” are therefore not protected. The protection afforded by TULRCA can be lost if the requirements relating to ballots and notices are not satisfied.

112. The Employment Relations Acts 1999 and 2004 ensure that unions are not required to release the names of employees involved in the ballot and strike to employers. Instead, unions are required to identify the total number of employees involved in the strike and to list the categories and workplaces affected. The Government is satisfied that the Acts clearly define what information unions need to provide whilst making it less burdensome and onerous on them.

113. The Government has also introduced new protections to limit the circumstance in which employees who strike can be lawfully dismissed for breach of contract. Before the Employment Relations Act 1999 came into effect, employees taking industrial action were protected only from selective dismissals. This meant that all those breaching their contract by striking could be dismissed as soon as they started the action. The 1999 Act provided a major extension of protection for employees dismissed for taking lawfully organised official industrial action. It inserted section 238A into TULRCA, which made it unfair to dismiss an employee for taking such action during the 8-week period following the start of the industrial action. In addition, the 1999 Act made it unfair for employers to dismiss employees where industrial action lasted for more than 8 weeks, if they had not taken all reasonable steps to resolve the dispute with the union. These steps include the use of dispute resolution mechanisms such as conciliation or mediation. The Employment Relations Act 2004 extended the protected period during which it is unfair to dismiss an employee for taking lawfully organised official industrial action from 8 to 12 weeks (the days on which employees are locked out from their workplace by their employer do not count towards the protected period).

114. The Government recognises that there will be a small number of cases where the protections accorded by the 1999 and 2004 Acts will not apply. Under UK law, employees can be dismissed in protracted disputes where the employer has taken all reasonable procedural steps to resolve the dispute with the union. But the Government must maintain a fair balance between providing the necessary rights and freedoms to employers to manage their own business needs and protecting employees from dismissal.

115. Sections 29-32 of the Employment Relations Act 2004 amended provisions of the Trade Union and Labour Relations (Consolidation) Act 1992, and made it unlawful for employers to offer financial or other inducements to workers to forego the right to belong to a trade union. The provisions also made it unlawful for employers to offer inducements not to participate in the activities of a trade union, or not to use the services of a trade union, or to withdraw from the terms of a collective agreement negotiated by the trade union.

**Paragraph 35 of the concluding observations. The Committee recommends that the State party continue its efforts to combat domestic violence and, in particular, to ensure that there are sufficient refuge places to meet the needs of victims of domestic violence. The**

**Committee requests that the State party provide information in its next periodic report on further measures taken by the State party in relation to domestic violence, as well as on the results and effectiveness of such measures.**

116. In November 2004, the Government introduced the Domestic Violence, Crime and Victims Act, which was the biggest overhaul of domestic violence legislation for thirty years. The Act has been rolling out in stages and in December 2006, the Prime Minister announced that the remaining provisions would be introduced from July 2007. Measures impacting directly on domestic violence include:

- Making breach of a non-molestation order a criminal offence. Breach will be punishable by up to five years imprisonment on indictment;
- Giving cohabiting same-gender couples the same access to non-molestation and occupation orders as heterosexual couples, and making couples who have never cohabited or been married eligible for non-molestation and occupation orders;<sup>71</sup>
- Making common assault an arrestable offence by adding it to the list of offences for which a police officer may arrest without a warrant;
- Enabling courts to impose restraining orders when sentencing for any offence;
- Giving any person mentioned in a restraining order the right to make representations in court if an application is made to vary or terminate the order.

117. Since then, the Government has also produced a *National Delivery Plan for Domestic Violence*.<sup>72</sup> This is a cross-government plan to:

- Increase the early identification of and early intervention with victims of domestic violence by utilising all points of contact with statutory services;
- Build capacity within the domestic violence sector to provide effective advice and support to victims of domestic violence;
- Increase the use of existing and new powers and methods by statutory services to protect identified victims of domestic violence;
- Increase the rate at which domestic violence is reported either directly to the police services or through third-party reporting arrangements, particularly in high incidence areas and/or communities;

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<sup>71</sup> Implemented in December 2005.

<sup>72</sup> <http://www.crimereduction.gov.uk/dv/dv01.htm>.

- Increase the rate at which domestic violence incidents result in sanction detections, particularly in high incidence areas and/or communities as well as in areas with high attrition rates;
- Increase the rate at which sanction detections are converted into offences brought to justice, particularly in high incidence areas and/or communities as well as in areas with high attrition rates;
- Develop the evidence-base to close key knowledge gaps.

118. The Government has expanded the Domestic Violence Courts System, which numbered 64 courts in April 2007. Overall, successful prosecutions have risen from 46% in 2003 to 65% in 2006. In specialist court areas this figure has risen to 71%. In April 2007, the Government has also developed and published a *Sexual Violence and Abuse Action Plan*<sup>73</sup> in order to:

- Inform stakeholders and members of the public what the Government is seeking to achieve in relation to sexual violence and abuse;
- Identify the actions the Government is taking to deliver its objectives;
- Identify gaps in existing work which require further consideration;
- Increase transparency and enable the Government to be held to account on delivery of its objectives;
- Provide a platform for developing a more strategic and holistic approach to tackling sexual violence and abuse.

119. The Government also ring-fenced £32 million for refuges. This money is expected significantly to improve the number and quality of refuge places currently available.

### **Scotland**

120. The Scottish Executive continues to give high priority to tackling domestic abuse and works with voluntary and statutory sector partners on the National Group to Address Violence Against Women to take forward work on this issue and to develop a strategic approach to all forms of violence that women experience.

121. The Executive provides core funding for Scottish Women's Aid and Rape Crisis Scotland and for a 24-hour domestic abuse helpline. Further resources have been allocated to support the roll-out of a domestic abuse training strategy; to pilot a domestic abuse court; to provide support

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<sup>73</sup> <http://www.crimereduction.gov.uk/sexualoffences/finalsummary.pdf>.

for children and young people experiencing domestic abuse; and to support local projects across Scotland working on violence against women under the “3Ps” of protection, prevention and provision. A high profile awareness raising campaign is ongoing with recent phases examining psychological impacts of domestic abuse as well as impacts on children and young people.

122. A subgroup of the National Group to Address Violence Against Women is advancing an action plan on domestic abuse accommodation and support provision and is specifically working to progress recommendations from 2003 research in to “Refuges for women children and young people in Scotland”.

## **Wales**

123. In March 2005 the Welsh Assembly Government launched *Tackling Domestic Abuse - the All Wales National Domestic Abuse Strategy*.<sup>74</sup> The Strategy’s primary objective is to provide the much needed “back bone” to deal with domestic abuse across Wales. It provides an important framework for the development of local action to combat domestic abuse and emphasises the need for joint agency working where information and best practices are shared. The Welsh Assembly Working Group on Domestic Abuse monitors the delivery of the Strategy. There is a clear need that all agencies dealing with domestic abuse work together to pool their expertise. Community Safety Partnerships have been made responsible for steering this collaboration. The Strategy contains the Welsh Assembly Government’s vision for effectively addressing domestic abuse in Wales and incorporates a better, more equitable, accessible and effective service provision providing:

- A coordinated network of services that meet the needs of all survivors including children and young people, people who live in the rural parts of Wales, people who do not speak English and those from BME communities;
- Adequate and appropriate safe solutions for women and children/young people escaping domestic abuse;
- Appropriate support and solutions for women and children/young people experiencing domestic abuse;
- Easily accessible information to ensure that help is available for any survivor - when and wherever it is sought;
- Help and support for children and young people in violent homes;
- Education to help prevent domestic abuse.

124. The Strategy aims to facilitate the development and implementation of a “joined-up” problem-solving approach, which addresses domestic abuse holistically - providing protection

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<sup>74</sup> <http://new.wales.gov.uk/dsjr/publications/commmunitysafety/domesticabusestrategy/strategie?lang=en>.

for individuals who suffer domestic abuse and simultaneously addressing the causes of domestic abuse. To drive forward this delivery the Welsh Assembly Government has developed and introduced new initiatives:

- The new 24-hour domestic abuse helpline was formally launched in January 2007 and in that month alone 2031 calls were received;
- The Welsh Assembly Government continues to support Community Safety Partnerships (CSP) for the delivery of the Strategy, for example running CSP training events and funding domestic abuse co-ordinators in every CSP in Wales;
- A Forced Marriage secondee was appointed in February 2007 to take forward work on this issue. The focus of the work will be mapping the extent of the problem in Wales, examining existing UK Government guidance to see what needs to be published in Wales and developing an action plan for the future;
- The Welsh Assembly Government is funding Cardiff Safety Ltd to provide a male telephone helpline, Project Dyn, to support male victims of domestic abuse. This project provides a safety, planning and advocacy service for gay, bisexual, transgender and heterosexual men who have experienced domestic abuse;
- One of the Strategy's aims is to encourage greater awareness of domestic abuse issues amongst children and young people. To assist with this the "All Wales Schools Programme" now includes a module on domestic abuse. This programme is now operating in 97% of primary and secondary schools in Wales.

125. The Welsh Assembly Government also offers grants as part of the "Domestic Abuse and Youth Services Grant Scheme" to organisations that provide a range of services and advice to victims of domestic abuse. The scheme is aimed primarily at organisations that are able to operate effectively across Wales. However, innovative local projects are also considered.

**Paragraph 36 of the concluding observations. Given the principle of the dignity of the individual, which provides the foundation for international human rights law (see paragraph 41 of the Committee's general comment No. 13) and in the light of article 10.1 and 10.3 of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child (see paragraph 31 of the 1995 concluding observations of that Committee (CRC/C/15/Add.34)).**

126. On the subject of corporal punishment, the Committee should note the Government response in the sixth periodic report on the ICCPR.<sup>75</sup>

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<sup>75</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 96-97, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

127. The Government believes that, within the boundaries set by law (particularly under the Children Act 2004) the use of physical punishment is a matter for individual parents to decide. It would be inappropriate to suggest to ordinary parents that they cannot distinguish between smacking and criminal violence, or that one usually leads to the other. The Government supports parents' freedom and responsibility to choose what is best for their own families. However, criminal violence or abuse on children will not be tolerated and domestic courts will deal with those adults whose actions overstep the mark.

128. The Government considers that the law in England and Wales provides children with effective protection from violence, without unnecessarily interfering with parents' discretion as to the upbringing of their children. The Government does not accept that there is a gap between the standards set by the UN Convention on the Rights of the Child and the Children Act 2004. Section 58 of the Act (which abolished the use of the reasonable chastisement defence for actual bodily harm or cruelty to children) meets the UK obligation under Article 19 and Article 37(a) of the UN Convention on the Rights of the Child. Article 19 requires State parties to take "appropriate legislative, administrative, social and educational measures" to protect children against maltreatment while in the care of a parent or other carer. Article 37(a) requires that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment". Neither provision requires a State to criminalise responsible and loving parents or carers for disciplinary acts that have relatively minor and transient physical or mental effects.

### **Northern Ireland**

129. Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 provides for the restriction of the defence of reasonable chastisement to the summary charge of common assault and precludes the use of this defence in civil proceedings where the harm alleged amounts to actual bodily harm. Article 2 is also underpinned by prosecutorial guidelines which ensure that the vulnerability of the victim is taken into account when determining the penalty. An Inter-Disciplinary Group on Positive Parenting has also been established. The Group, which is comprised of representatives from Government Departments and the community/voluntary sector, will be liaising with teachers, social and healthcare professionals and parents and children to ensure that the positive parenting message is disseminated. As a first step, the group has produced a short booklet entitled "Top Tips for Parents: Your Guide to Positive Parenting". Article 2, coupled with the ongoing work on positive parenting, offers the best prospect of securing real and significant change on the ground in terms of the use of alternative methods of discipline. Article 2, which largely corresponds to section 58 of the Children Act 2004, is the subject of an ongoing judicial review, which has been undertaken by the Northern Ireland Commissioner for Children and Young People.

### **Wales**

130. The Welsh Assembly Government supported the principle that the physical punishment of children in families be prohibited.

**Paragraph 37 of the concluding observations. The Committee urges the State party to continue to address the problem of poverty and social exclusion as a matter of high priority, with special focus on the needs of marginalized and vulnerable groups, and**

**particular regions, such as Northern Ireland. When formulating its anti-poverty policies and programmes, the State party is urged to give the most careful attention to the Committee's statement on poverty and the Covenant (E/C.12/2001/10).**

131. The Government Social Exclusion Task Force (SETF) was set up in June 2006 to ensure that the opportunities enjoyed by the vast majority of people in the UK become available to those whose lives have been characterised by deprivation and exclusion. This goal will be achieved by working across Government and beyond to improve the life chances of the most disadvantaged. SETF focuses on those most likely to experience deep and entrenched exclusion. This group represents around 2 to 3% of the population. Those who are excluded face complex interrelated problems such as unemployment, poor housing, mental or physical health problems or learning difficulties. The complexity of their problems requires a carefully tailored, targeted and joined up set of solutions.

132. The SETF is working to deliver the actions set out in *Reaching Out: An Action Plan on Social Exclusion*,<sup>76</sup> published in September 2006. There are five guiding principles in the Government's strategy on social exclusion:

- Better identification and earlier intervention. The Government will develop and promote better prediction tools for use by front-line practitioners (for example, health visitors and community midwives) to ensure that those identified as at risk are followed up;
- Systematically identifying “what works”. The Government will introduce a common approach across Government to rate programmes by the quality of the evidence behind them. Approved and rated programmes will be given the opportunity to highlight blockages to delivery. The Government will also strengthen the capability of commissioners of public services and will explore the best ways of disseminating what works, particularly around excellence in children's and family services;
- Promoting multi-agency working. The Government will strengthen the role of Local Area Agreements, publish information about the cross-agency costs of social exclusion, and will explore how to extend data sharing in relation to the most excluded or at risk groups, including any additional powers that may be necessary;
- Personalisation, rights and responsibilities. The Government will pilot and explore service delivery based on budget-holding lead professionals and on brokering as ways of providing tailored programmes of support built around strong and persistent relationships with those at risk. In this context, the Government will also trial extending tariffs for delivery of particular outcomes, and the Government will encourage practitioners and brokers to agree explicit “compacts” with at risk families and individuals;

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<sup>76</sup> [http://www.cabinetoffice.gov.uk/social\\_exclusion\\_task\\_force/publications/reaching\\_out/](http://www.cabinetoffice.gov.uk/social_exclusion_task_force/publications/reaching_out/).

- Supporting achievement and managing under-performance. The Government will work to ensure that the next generation of Public Service Agreements adequately address the needs of the most disadvantaged. Local areas will also be encouraged to come forward with appropriate and imaginative proposals to address the needs of the most excluded. A Local Government White Paper will set out a clear intervention strategy for under-performing local authorities while giving service providers more room to innovate.

133. The Government has already introduced a wide range of measures to improve the well-being of all children by working to tackle child poverty, establishing “Sure Start Children’s Centres”, and creating the National Academy for Parenting Professionals. However, the Government is proposing to implement additional measures, including:

- Establish ten health-led parenting support demonstration projects from pre-birth to age 2, mainly based around “Sure Start Children’s Centres”;
- Work with midwives and health visitors to improve their skills to promote support and intervention during the early years;
- Publish a revised and updated Teenage Pregnancy Strategy, including improved social and relationships education, an expanded media campaign and better access to contraceptives;
- Launch a series of pilots to test different approaches to tackling mental health and conduct disorders in childhood, including intensive home-based interventions which will complement the Treatment Foster Care pilots already under way;
- Launch pilots to test the effectiveness of alternative approaches to improving outcomes for people with chaotic lives and multiple needs. The Government will also promote anti-stigma employer-based campaigns for those adults suffering from more severe mental health problems.

134. The latest progress report on combating social exclusion was published in February 2007.<sup>77</sup> In the period 1997-2005, the Government has made good progress in tackling poverty:

- 2.4m fewer people now live below the poverty line;<sup>78</sup>

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<sup>77</sup> [http://www.cabinetoffice.gov.uk/social\\_exclusion\\_task\\_force/documents/reaching\\_out/progress\\_report.pdf](http://www.cabinetoffice.gov.uk/social_exclusion_task_force/documents/reaching_out/progress_report.pdf).

<sup>78</sup> The poverty line refers to the low-income threshold of 60% of median household income (measured either before or after housing costs). Before housing costs, 1.1m fewer people now live below the poverty line.



- The number of people experiencing absolute poverty has halved;<sup>79</sup>
- 700,000 children have been lifted out of relative poverty;<sup>80</sup>
- One million pensioners have been lifted out of relative poverty;<sup>81</sup>
- Households are on average £1,000 a year better off;
- Families with children are on average £1,550 a year better off;
- Families with children in the poorest fifth of the population are on average £3,450 a year better off.

135. On employment:

- The number of people in employment has risen by over 2.5 million since 1997;
- Over one million lone parents are now in work;
- Amongst people on unemployment benefits, the biggest falls have been amongst those who have been on benefits the longest (long-term claimant unemployment down by over 70% and close to its lowest for 30 years; and youth long-term claimant unemployment almost eradicated) and in areas where unemployment was previously the highest.

136. On education:

- Investment per pupil (including capital spending) has doubled from £2,500 in 1997 to £5,000 in 2005/06. Total revenue funding has increased by 48% (£1,450) per pupil in real terms to 2006-07;
- In 1997, nearly half of primary schools were achieving below 65% in English and maths - now seven out of eight primary schools are above this level in English and four out of five are doing so in maths;
- The number of young people leaving school with no qualifications has been halved since 1997, while the proportion gaining five good GCSEs has risen from 45% to 58%;

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<sup>79</sup> Absolute poverty refers to the low-income threshold of 60% of median household income fixed at 1996/97 levels in real terms.

<sup>80</sup> Relative poverty refers to the low-income threshold of 60% median household income each year.

<sup>81</sup> Before housing costs, 200,000 pensioners have been lifted out of relative poverty.

- The number of secondary schools with fewer than a quarter of pupils gaining five good GCSEs is down from 616 in 1997 to 47 in 2006; in 2006 the number of secondaries where 70% or more pupils gain good GCSEs has risen seven-fold to 604, up from 83;
- Black Caribbean pupils, along with Bangladeshi pupils are the biggest improvers in gaining five good GCSEs (A\*-C).

137. On disadvantaged areas:

- Since 1998, primary schools in the areas of highest poverty have improved at nearly twice the rate of schools in the most affluent areas;
- Positive Activities for Young People supports over 290,000 teenagers (the majority at risk of social exclusion) and helps reduce antisocial behaviour and street crime in some of the toughest areas;
- Neighbourhood Support Fund delivers a programme of informal learning for 50,000 teenagers at risk of severe social exclusion. The majority (68%) progressed to successful outcomes (re-entry into education).

138. On health:

- The overall mortality rate for heart disease in people aged under 75 in England has fallen from 141.0 deaths per 100,000 population in 1995-97 to 90.5 deaths per 100,000 in 2003-05 - a fall of 35.9%;
- For cancer, the overall mortality rate has also declined in people aged under 75 in England, from 141.2 deaths per 100,000 population in 1995-97 to 119.0 deaths per 100,000 in 2003-05 - a fall of 15.7%;
- The percentage of adults smoking has fallen by 3 percentage points since 2001 - from 27% to 24% in 2005. Among the routine and manual groups, it has fallen from 33% to 31%.

139. On housing and homelessness:

- The number of non-decent social homes has fallen by more than one million;
- Rough sleeping is down by 73% since 1998. Estimates are that there were just 502 rough sleepers in 2006.

## Northern Ireland

140. The Government's "New Anti-Poverty and Social Inclusion Strategy for Northern Ireland" was launched on 13 November 2006 and is called *Lifetime Opportunities*<sup>82</sup> The strategy replaces

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<sup>82</sup> <http://www.ofmdfmi.gov.uk/antipovertynov06.pdf>.

“New Targeting Social Need” (New TSN) which was the Government’s former high level policy for tackling poverty and social exclusion in Northern Ireland. The newly reformed political institutions in Northern Ireland are currently considering adopting Lifetime Opportunities as their formal Anti-Poverty strategy. Article 16 of the Northern Ireland (St Andrews Agreement) Act 2006 commits the Executive Committee to adopting a strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation. The precise terms of adoption of a strategy, including the establishment of meaningful targets will be considered in the context of the upcoming Comprehensive Spending Review. Lifetime Opportunities aims at tackling the social exclusion of vulnerable groups such as lone parents and people with a disability. The strategy’s main objectives are to work towards eliminating poverty and social exclusion in Northern Ireland by 2020, and end child poverty by 2020. Based on an estimate of approximately 130,000 children in Northern Ireland in relative income poverty in 1998/99, this means lifting 65,000 children out of poverty by 2010 in order to achieve the target of the elimination of child poverty by 2020.

### **Scotland**

141. The Scottish Executive continues to regard tackling poverty and social exclusion as a matter of high priority and our anti-poverty agenda underpins our commitment to build safer, stronger communities where people want to live and raise their families. The Executive recognises that poverty is only partly about low income: it also encompasses a lack of opportunity, low aspirations, facing barriers to participating in social and economic life, and access to appropriate and affordable public services. That is why, through its *Closing the Opportunity Gap*<sup>83</sup> (CtOG) approach, the Scottish Executive seeks to:

- Prevent individuals and families from falling into poverty;
- Provide routes out of poverty for individuals and families;
- Sustain individuals and families in a lifestyle free from poverty.

142. Through co-ordinated action across all of the Executive’s departments, agencies and partners, Scotland is making good progress. The Executive shares with the UK government a long-term target to eradicate child poverty by 2020 and has achieved its 2005 target of a 25% reduction. The statistics on Scottish Households Below Average Income 2004/05 show that on an after housing costs basis:

- Over 130,000 children have been lifted from relative poverty since 1997, (from 370,000 to 240,000) reducing relative child poverty from 33% to 23% - a reduction of 35%;

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<sup>83</sup> <http://www.scotland.gov.uk/topics/people/social-inclusion/17415/opportunity>.

- Over 120,000 pensioners have been lifted from relative poverty since 1997, reducing relative pensioner poverty from 30% to 16% - a reduction of 46%;
- Over 60,000 working age adults have been lifted from relative poverty since 1997, reducing relative working age poverty from 20% to 18% - a reduction of 10%.

143. Scotland currently has one of the highest employment rates in Europe (75%), as well as the highest employment rate since records began, and the lowest unemployment rate for a generation (3.2%).

144. In terms of policies and programmes, the Executive's CtOG approach has set objectives and targets in key policy areas including: employability; actions to help young people not in education, training or employment; financial exclusion; disadvantaged neighbourhoods; health inequalities and access to services in rural communities. A key objective is to increase the chances of sustained employment for vulnerable and disadvantaged groups. Workforce Plus, the Executive's Employability Framework, outlines how the services can be made more effective to move more people towards and into work, to sustain them in a job and to help them progress in their careers. The Executive is investing substantial funding in more deprived areas to improve the capacity and effectiveness of local employability services. A Financial Inclusion Action Plan has been published and funding of £5.3 m per year invested in 2006-08 to address issues of indebtedness, lack of access to financial products and services and low financial literacy. For Scotland's poorest pensioners, free bus travel, free personal and nursing care and help with repair, improvements and adaptations to the home through local Care and Repair schemes are all making a real difference.

145. Child Poverty Policies and Programmes:

- Funding for the Executive's Childcare Strategy has risen from £29.75m in 2004-05 to over £44m in 2006-7 to continue to provide affordable, accessible, flexible and quality childcare for children aged 0-14 in all neighbourhoods;
- Sure Start Scotland aims to ensure every child has the best possible start in life by targeting support for families with very young children in areas of greatest need. Funding for 2006/7 is £57m;
- Working for Families funding of £50m over 2004-08 was allocated to 20 local authorities across Scotland with the highest concentration of children in workless households. The fund enables parents in deprived areas or groups to access education, training or employment, addressing childcare and other barriers. To end March 2007 over 15,000 parents have benefited from the fund;
- The Executive has funded the Child Poverty Action Group (CPAG) in Scotland to run an initiative that aims to increase take-up of benefits and tax credits by increasing the capacity of frontline agencies to provide accurate, high quality and effective advice and information to eligible claimants, particularly lone parents and those living on a low income;

- The Executive is providing funding of £150,000 per year (2006-2008) towards the Lone Parent Helpline being run by One Parent Families Scotland. This helpline, accessible via a free phone number and website, provides advice and signposting to lone parents on a number of issues such as income, childcare, education, housing, legal rights and work;
- Hungry for Success (HfS) aims to drive up nutritional standards and improve the diet of children and their achievement in education by ensuring that healthy choices are available in schools and by improved links between healthy eating and the curriculum. £63.5m in funding was provided for HfS in 2002-2005, and further funding over £70m through 2006-2008.

## **Wales**

146. The Welsh Assembly Government believes that tackling poverty and inequality among children and young people is a fundamental component of its broader strategy to improve quality of life and promote social inclusion and equal opportunities in every community in Wales. The Welsh Assembly Government has made a commitment to eradicating child poverty and a child poverty task group was set up in 2003 to move this agenda forward.

147. Participation is a key element of the Welsh Assembly Government's approach to children and young people. Through its seven core aims (based on the UN Convention on the Rights of the Child), the Assembly is working to ensure that all children and young people are provided with opportunities to participate fully in play, leisure, sporting and cultural activities; enjoy a comprehensive range of education and learning opportunities; are listened to and treated with respect; and have their race and cultural identity recognised. This work is being taken forward through the "Children and Young People's Framework Partnerships and Plans" and through the work of school councils and youth forums. Our implementation plans for taking this work forward and meeting our commitments are set out in the programme "Children and Young People: Rights to Action". The Assembly recognises that there is a need to promote participation through the language of choice, and "Iaith Pawb" includes projects that promote and support participation through the medium of Welsh.

148. Children and young people living in poor households and their families can experience difficulties in accessing and benefiting from services. Some groups face additional barriers in accessing services and mainstream services may fail to accommodate diversity. For these reasons, the Welsh Assembly Government and its partners are working together to tackle child poverty in Wales through mainstream services, and to ensure that these services respect and accommodate diversity. The draft "National Service Framework for Children, Young People and Maternity Services" (NSF) in Wales has been drafted with a particular focus on tackling poverty, health inequality and social exclusion. The NSF standards seek to improve quality and reduce variations in service delivery across Wales through the setting of national standards. These standards have been set not just for health and social care, but also for other local government services which have a strong influence on the health and well-being of children, such as education, housing, leisure and transport.

**Paragraph 38 of the concluding observations. The Committee recommends that the State party focus its efforts to combat homelessness on those groups in society which are disproportionately affected, such as ethnic minorities. The Committee further recommends that the State party take the necessary measures to ensure that homeless persons suffering from serious health problems receive adequate health care.**

### **Tackling homelessness amongst ethnic minority groups**

149. The Government is determined to tackle and prevent homelessness and has achieved very positive results since the last periodic report. The Government has successfully tackled the worst manifestations of homelessness by reducing the number of “rough sleeping” people by almost 73% since 2002 and significantly reducing the number of families with children having to live in “bed and breakfast” accommodations for long periods of time. Both of these successes are being sustained. The Government also strengthened legislative measures against homelessness in 2002, providing a strong statutory safety net for homeless households and requiring all local authorities to have a strategy for preventing homelessness and providing accommodation and support. The strategy applies to all homeless groups.

150. Since homelessness strategies were put in place, particularly the significant investment in services to prevent homelessness, the number of households in temporary accommodation has been falling and is now below 90,000 for the first time since 2003. However, it is clear that there are still too many households living in temporary accommodation. Whilst most of these households are in self-contained properties, living in temporary accommodation lacks the certainty that people need to get on with their lives. For this reason, in March 2005, the Government announced the strategy *Sustainable Communities: settled homes, changing lives*<sup>84</sup> and committed itself to reduce by 50% (approximately 50,500 households) the number of households in temporary accommodation by 2010 and is working with stakeholders to build on the good results achieved so far.

151. The Government is working to prevent and tackle homelessness amongst young people, including a commitment that by 2010, no 16 or 17 years old should be placed in bed and breakfast accommodation, except in emergency under the homelessness legislation. As part of this work, the Government is developing a national youth homelessness scheme, coordinated by “Centrepoin” and “YMCA England”, to assist local authorities achieving this target.

152. The Government is investing £90 million to improve hostels and provide better opportunities for people who have experienced homelessness and prevent them from becoming homeless again. Through these improvements, hostels will cease to be places of last resort but instead will become places of choice which positively change lives. Support services will also help people will find routes into education, training and employment and ultimately independent living in a settled home.

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<sup>84</sup> [http://www.communities.gov.uk/pub/784/SustainableCommunitiesSettledHomesChangingLivesPDF796Kb\\_id1149784.pdf](http://www.communities.gov.uk/pub/784/SustainableCommunitiesSettledHomesChangingLivesPDF796Kb_id1149784.pdf).

153. The Government recognises the need to tackle the disproportionate numbers of people from ethnic minority communities who experience homelessness. The findings of a 2003 research into the causes of homelessness in ethnic minority communities highlighted marked differences between different ethnic groups and the social and economic factors that contribute to their vulnerability. Building on these findings, in September 2005, the Government issued a development guide to all local authorities in England setting out how inclusive, culturally-sensitive and evidence-based services should be developed to meet the needs of local ethnic minority populations. Moreover, in July 2006, the Government launched the Ethnic Minorities Innovation Fund (EMIF) which provides £3m of support to 23 projects across the country until 2008. There is a diverse range of projects, for example: supporting women that have experienced domestic violence, improving the re-integration of former prisoners from the Muslim community, and raising young people's skills through multi-media training. The Government envisages that these projects will provide innovative approaches to tackling homelessness and provide models of best practice which can be replicated by housing providers and other key service providers. The Government is taking forward the strategy on tackling homelessness and will keep monitoring the outcomes from the projects and will consider how the good practice identified can inform future policy and initiatives on preventing homelessness amongst BME groups.

### **Homelessness and health**

154. The Government's work on preventing and reducing homelessness focuses as much on the problems that people who are homeless or at risk of homelessness face as on the places where they live. People who are homeless or living in temporary or insecure accommodation are more likely to suffer from poor physical, mental and emotional health than the general population, and ill health is often associated with poverty and homelessness. Children from families that have experienced homelessness and are living in temporary accommodation have an increased risk of a low birth weight and greater likelihood of illness, behavioural problems and delayed development. And people who are homeless or living in temporary or insecure accommodation are at greater risk of infection, muscle-skeletal disorders, poor diet and nutrition, stress, and depression. Drug and alcohol misuse, and mental health problems, are prevalent among people who are homeless or at risk of homelessness, and many single homeless people have multiple needs (e.g. a mental health problem plus one or more other issues, such as alcohol or drug misuse). The findings of research commissioned by the Government to find out more about the support needs of people who are homeless or living in temporary or insecure accommodation and the services, that can help meet those needs, are published in *Supporting People: The support needs of homeless households*.<sup>85</sup>

155. The 2003 *Cross Cutting Review on Tackling Health Inequalities*<sup>86</sup> identified people who are homeless or living in temporary or insecure accommodation as one of the groups who are vulnerable to poor health and for whom targeted interventions may be needed to address their

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<sup>85</sup> [http://www.spkweb.org.uk/NR/rdonlyres/5F5E2152-1110-4EB5-B2F9C853E8537278/0/Supporting\\_People\\_\\_\\_The\\_Support\\_needs\\_of\\_homeless\\_households\\_\\_\\_Summary.pdf](http://www.spkweb.org.uk/NR/rdonlyres/5F5E2152-1110-4EB5-B2F9C853E8537278/0/Supporting_People___The_Support_needs_of_homeless_households___Summary.pdf).

<sup>86</sup> <http://www.dh.gov.uk/assetRoot/04/06/80/03/04068003.pdf>.

specific needs and poor health outcomes. The 2003 *Tackling Health Inequalities - a Programme for Action*<sup>87</sup> recognised the role that Primary Care Trusts (PCTs) have in working closely with local partners to improve health outcomes for people who are homeless or living in temporary or insecure accommodation. The 2006 Government's White Paper *Our health, our care, our say: a new direction for community services*<sup>88</sup> stated that PCTs and local authorities must work together to provide services for vulnerable groups such as homeless people. The 2005 strategy *Sustainable Communities: settled homes; changing lives*<sup>89</sup> highlighted that people who are homeless or living in temporary accommodation are more likely to suffer from poorer physical, mental and emotional health than the rest of the population. These health problems can be both a contributory factor to and also a consequence of homelessness.

156. Improving health outcomes and improving access to health care for homeless people is a key strand of the Government's homelessness strategy. The Government is also working closely with the National Institute for Mental Health in England to raise awareness of and address the health issues facing homeless people or those who are vulnerable to homelessness. The Government is also working with the voluntary sector on health issues and is part of the "Homeless Link's Health Inclusion Project" and is contributing to the hospital discharge guidance together with the "London Network of Nurses and Midwives". The Government also worked with the Community Practitioners and Health Visitors Association to produce guidance for PCTs on families with children who have experienced homelessness and are living in temporary accommodation. In recent years, the Government has produced the following publications:

- *Addressing the health needs of homeless people*<sup>90</sup> to raise awareness of the health issues which homeless people face. It sets out the policy context, the health inequalities of people who are homeless or living in temporary or insecure accommodation and how these are being addressed, and the difficulties in accessing health care that many homeless people experience and how these can be overcome;
- *Drug Services for Homeless People*,<sup>91</sup> a good practice handbook to help Drug Action Teams and partner agencies plan and develop more effective services for homeless drug users;

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<sup>87</sup> <http://www.dh.gov.uk/assetRoot/04/01/93/62/04019362.pdf>.

<sup>88</sup> <http://www.dh.gov.uk/assetRoot/04/12/74/59/04127459.pdf>.

<sup>89</sup> [http://www.communities.gov.uk/pub/784/SustainableCommunitiesSettledHomesChangingLivesPDF796Kb\\_id1149784.pdf](http://www.communities.gov.uk/pub/784/SustainableCommunitiesSettledHomesChangingLivesPDF796Kb_id1149784.pdf).

<sup>90</sup> [http://www.communities.gov.uk/pub/702/Frameworkforplanningandcommissioningofservicesrelatedtohealthneedsofhomelesspeople\\_id1505702.pdf](http://www.communities.gov.uk/pub/702/Frameworkforplanningandcommissioningofservicesrelatedtohealthneedsofhomelesspeople_id1505702.pdf).

<sup>91</sup> [http://www.communities.gov.uk/pub/817/DrugservicesforhomelesspeoplegoodpracticehandbookPDF415Kb\\_id1149817.pdf](http://www.communities.gov.uk/pub/817/DrugservicesforhomelesspeoplegoodpracticehandbookPDF415Kb_id1149817.pdf).



- *Achieving positive shared outcomes in health and homelessness*<sup>92</sup> provides guidance to local authorities, PCTs and other health providers on key positive outcomes which health and homelessness partnerships might work towards. It sets out possible actions to achieve these outcomes, examples of where these actions are already making a positive impact, and how performance might be measured;
- *Homelessness and Health Information Sheet 1 - Personal Medical Services*<sup>93</sup> explains how personal medical services schemes can help homeless people access integrated health care;
- *Homelessness and Health Information Sheet 2 - Health Visiting Services*<sup>94</sup> sets out the important and longstanding role of health visitors in working with homeless people;
- *Homelessness and Health Information Sheet 3 - Dental Services*<sup>95</sup> demonstrates the importance of addressing the dental care needs of homeless people within the context of their overall health;
- *Homelessness and Health Information Sheet 4 - Hospital Discharge*<sup>96</sup> highlights the need for hospitals to have in place formal admission and discharge policies, ensuring that homeless people are identified on admission and relevant health and homelessness agencies notified when discharge is imminent.

157. The Government and the King's Fund commissioned research to review the performance and function of 'wet' day centres and compile a comprehensive manual on the setting up and running of new centres. The research findings and development manual provide a useful resource for those considering planning and setting up a wet day centre. It highlights the vital role that wet centres can play in engaging with socially excluded people, and sets out specific guidelines for managing a centre and working with this specific client group.

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<sup>92</sup> [http://communities.gov.uk/pub/793/AchievingPositiveSharedOutcomesinHealthandHomelessnessPDF223Kb\\_id1149793.pdf](http://communities.gov.uk/pub/793/AchievingPositiveSharedOutcomesinHealthandHomelessnessPDF223Kb_id1149793.pdf).

<sup>93</sup> [http://www.communities.gov.uk/pub/860/HomelessnessandhealthinformationsheetPersonalMedicalServicesPDF103Kb\\_id1149860.pdf](http://www.communities.gov.uk/pub/860/HomelessnessandhealthinformationsheetPersonalMedicalServicesPDF103Kb_id1149860.pdf).

<sup>94</sup> [http://www.communities.gov.uk/pub/858/HomelessnessandHealthInformationSheetHealthVisitingServicesPDF141Kb\\_id1149858.pdf](http://www.communities.gov.uk/pub/858/HomelessnessandHealthInformationSheetHealthVisitingServicesPDF141Kb_id1149858.pdf).

<sup>95</sup> [http://www.communities.gov.uk/pub/857/HomelessnessandHealthInformationSheetDentalServicesPDF574Kb\\_id1149857.pdf](http://www.communities.gov.uk/pub/857/HomelessnessandHealthInformationSheetDentalServicesPDF574Kb_id1149857.pdf).

<sup>96</sup> [http://www.communities.gov.uk/pub/856/HomelessnessandHealthInformationSheetHospitalDischargePDF157Kb\\_id1149856.pdf](http://www.communities.gov.uk/pub/856/HomelessnessandHealthInformationSheetHospitalDischargePDF157Kb_id1149856.pdf).

158. The “Supporting People Programme”<sup>97</sup> provides housing-related support services to a wide range of vulnerable people. Through working partnerships between local Government, health services and service providers, it promotes and provides straightforward, cost-effective and reliable housing-related solutions that complement available care services and support independent living. Through this, the Supporting People Programme has an important role to play in enabling and supporting the achievement of national and local health targets.

159. In May 2003, the Government invited commissioning bodies and/or service providers in health and social care to bid to become a Supporting People Health Pilot. The available funding was designed to support the development of their partnerships in new ways that would contribute to health objectives. The six Health Pilots selected represented a wide range of people who use services, both commissioning and providing elements, and a range of agencies from the statutory, independent and voluntary sectors. The Government published a summary of the key findings from the pilots, together with an evaluation report and good practice guidance in September 2006.<sup>98</sup>

### **Northern Ireland**

160. In Northern Ireland, the Government led a cross-departmental, cross-sectoral Working Group to consider how all relevant organisations could best work together to ensure firstly that the risk of homelessness is reduced, and secondly that the full range of appropriate services is available to those who find themselves homeless so that they can make the choices required to play a full part in society. The Working Group published a consultation paper *Promoting the Social Inclusion of Homeless People: Addressing the Causes and Effects of Homelessness in Northern Ireland*<sup>99</sup> which attracted a high level of very detailed responses from a wide range of bodies and raised many new issues and potential actions that needed to be analysed and progressed with a very wide range of organisations in both the public and voluntary sectors. A strategic approach to tackling this aspect of social exclusion has now been developed and a strategy has been drawn up setting out a number of guiding principles and an action plan. A cross-departmental, cross-sectoral Steering Group is expected to be set up in the very near future to give effect to the strategy and action plan.

161. The Unauthorised Encampments (Northern Ireland) Order 2005 was on the statute book for almost a year as it was decided that the legislation would not be made operative until an adequate number of sites (five sites, as identified by the Transit Sites Steering Group which the Northern Ireland Housing Executive established to consider the issue) was in place. The

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<sup>97</sup> More information on the Supporting People programme can be found on [www.spkweb.org.uk](http://www.spkweb.org.uk).

<sup>98</sup> *An Evaluation of the Supporting People Health Pilots, Key Findings from the Supporting People Health Pilots Evaluation, and Supporting People for Better Health: A Guide to Partnership Working* are available on [www.spkweb.org.uk](http://www.spkweb.org.uk).

<sup>99</sup> [http://www.dsdni.gov.uk/homeless\\_consultation.pdf](http://www.dsdni.gov.uk/homeless_consultation.pdf).

Housing Executive is continuing to work to meet this requirement. However it has experienced difficulties as regards local opposition and planning issues. The Department for Social Development is satisfied that there are an adequate number of fully functioning transit sites, emergency halting sites or a proactive co-operation policy to meet the needs of travellers. In addition, the legislation contains a further measure of protection for travellers by requiring the police to consult with the Housing Executive about the availability of suitable alternative sites before considering an appropriate course of action. A new needs assessment will be carried out in the autumn of 2007.

### **Scotland**

162. The Scottish Government is taking forward the recommendations of the Homelessness Task Force (a multi-sector group which was chaired at Ministerial level and published its final report in 2002). A framework for legislative reform was put in place through the Homelessness etc (Scotland) Act 2003. This envisages that the distinction between households assessed as 'priority' and 'non-priority' will be removed and all unintentionally homeless households will be entitled to permanent accommodation. The Scottish Government will work with Scottish local authorities to ensure that these changes are made at a time when there is capacity to meet these new requirements.

163. Each Scottish local authority has a homelessness strategy in place and their homelessness functions are inspected by Communities Scotland. These strategies are developed in partnership with local organisations and reflect an approach to preventing and tackling homelessness in Scotland which recognises the multi-faceted nature of the problem and the necessary solutions.

164. There is an increased emphasis on preventing homelessness, particularly focussed on those groups known to be most vulnerable (long stay hospital patients, ex-service personnel, ex-prisoners, care-leavers) but also more generally. Research has been carried out into homelessness amongst BME households and guidance drawing on this is currently being developed.

165. Each Health Board has a Health and Homelessness Action Plan which is complementary to the local homelessness strategies for the areas it covers. Health and Homelessness Standards are also in place and apply throughout the NHS in Scotland.

### **Wales**

166. In 2006, the National Public Health Service/Welsh Assembly Government Selected Minority Group produced the "Service Development and Commissioning Guidance for Selected Minority Groups" to support health planning for minority groups (homeless, asylum seeker and refugees, Gypsy and Travellers and BME groups). The guidance provides examples of good practice initiatives. Funding for such services is the responsibility of the Local Health Boards following their determination of local needs. Children's issues are highlighted within the "National Service Frameworks Children, Young People and Maternity" services. Key Actions include the promotion of access to health and the principle of not placing children in bed and breakfast accommodation except in emergency situations. Within the new "Health Social Care and Well Being" strategy guidance, vulnerable groups are considered as at risk of being

overlooked in service planning. The National Homelessness Strategy 2006-2008 expects Local Health Boards and Local Authorities to work in partnership to ensure arrangements are in place to address the specific needs of homeless people. Local Health Boards are also expected to engage with Local Authorities in planning groups and to maintain contact with homeless people, especially with young children. The Hospital Discharge Planning guidance states that people who are homeless must be assessed in a timely manner to determine whether they have access to accommodation on discharge.

167. Refugees are particularly vulnerable to homelessness once they are given leave to remain in the UK. They will have to leave the temporary accommodation provided whilst waiting for their leave application to be processed, within 28 days, and are likely to have difficulty in securing housing as well as employment or benefits during this period. The Welsh Assembly Government is funding the “Refugee Well Housing project”, an all-Wales scheme run by the Wales Refugee Council to provide advice to refugees to avoid homelessness and assist resettlement.

168. Information on homelessness amongst BME groups is improving, with more statistical collection and the report commissioned by the Welsh Assembly Government on BME housing and socio-economic circumstances in Wales. Local authorities are expected to identify and address the needs of BME homeless people at the local level, which should be reflected in their local homelessness strategies and BME housing strategies. Tai Pawb has been established as the BME housing organisation for Wales, and its role encompasses advising and monitoring local services for homeless people.

**Paragraph 39 of the concluding observations. The Committee recommends that the State party take immediate measures to improve the situation of the large number of families and individuals who live in poor housing conditions and to relieve the situation of those who are “fuel poor”.**

169. The Government has taken significant steps over the past decade to improve the situation of those who live in poor housing conditions and are “fuel poor”. An Inter-Ministerial Group on Fuel Poverty was set up in 1999 to take a strategic overview of the relevant policies and initiatives with a bearing on fuel poverty. They were also to develop and publish a UK Fuel Poverty Strategy, setting out the fuel poverty objectives, targets and policies. Published in November 2001, following the Warm Homes and Energy Conservation Act 2000, the UK Fuel Poverty Strategy was the first of its kind, setting out a comprehensive package of measures to tackle fuel poverty. The goals of the Strategy primarily focused on measures to improve energy efficiency and reduce fuel costs for fuel poor households. A key UK policy goal is that every home should be adequately and affordably heated. The 2001 UK Fuel Poverty Strategy<sup>100</sup> sets out the approach of the Government and the Devolved Administrations to ending the problem of fuel poverty. Fuel poverty is a devolved policy area. England, Wales and Northern Ireland will seek an end to fuel poverty in vulnerable households by 2010, where a vulnerable household

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<sup>100</sup> <http://www.dti.gov.uk/energy/fuel-poverty/strategy/index.html>.

is one containing children or those who are elderly, sick or disabled. Fuel poverty in non-vulnerable households in England will also be tackled, with a target that by 22 November 2016, as far as reasonably practicable, no one in England should live in fuel poverty. The Devolved Administrations have target dates between 2016 and 2018 to eradicate fuel poverty. The Government has taken action in a number of areas to tackle the problem:

- The Warm Front programme in England. The Warm Front scheme, and its equivalents in the Devolved Administrations, has resulted in improvements to the energy efficiency of the housing of those on a range of qualifying benefits. The Warm Front programme has provided assistance to around 1.4 million vulnerable households since 2000. An additional £300m was made available to tackle fuel poverty in the 2005 Pre-Budget Report, of which £250m was allocated to Warm Front, taking funding to £800m over 2005 to 2008. This enables a greater focus on pensioner households in receipt of Pension Credit, some of the most vulnerable households in society, to provide them with central heating. Those pensioner households who are not eligible for benefits will receive a contribution of £300 towards the cost of the installation of a central heating system;
- Winter Fuel Payments significantly help with fuel costs in coldest months. The payment is £200 for every household with someone aged 60 or over and £300 for every household with someone aged 80 or over. 11.5 million people in more than 8 million households benefited last winter. In the 2005 Pre-Budget Report, the Chancellor gave commitment to Winter Fuel Payments at this level for duration of this Parliament;
- Other measures that have had a positive impact include: Decent Homes Standard, local authority programmes, and the systematic approach adopted in a number of Warm Zone areas;
- The Energy Efficiency Commitment for 2005-08 requires electricity and gas suppliers to meet targets for the promotion of improvements in domestic energy efficiency. Suppliers are required to focus 50 per cent of the energy saving activity on a priority group of low income consumers;
- In the 2006 Pre-Budget Statement, the Government announced a further £7.5 million to improve the effectiveness of Warm Front and the Energy Efficiency Commitment. This will fund projects aimed at using an area-based approach to identify households and provide a co-ordinated set of advice and measures to them.

170. The number of vulnerable households in fuel poverty in 2004 remained the same as 2003, down from 4.0 million in 1996 to around 1.0 million in 2004. The total number of households in fuel poverty in England has fallen from 5.1 million in 1996 to around 1.2 million in 2004. The number of households in fuel poverty in the UK as a whole has fallen from around six and a half million households in 1996 to around two million households in 2004. Clearly good progress has been made since 1996.

171. The latest official statistics are for 2004. Since 2004, energy bills have increased significantly, and estimates are that this has doubled the number of vulnerable households in fuel poverty in England from 1 million to 2 million. The Government recognises that rising energy

prices have reversed some of the reduction in fuel poverty achieved previously, and is looking at ways to address this issue. The Energy Review set out the first steps in taking this forward, with the Energy White Paper published in May 2007 outlining additional measures that will take a further 200,000 households out of fuel poverty in the UK by 2010. The Government is midway through a full examination of its policy framework for tackling fuel poverty, looking at the ways in which each measure can be enhanced so that its effectiveness can be improved. It is clear the Government cannot rely on one single approach to eradicate fuel poverty, but will need concerted efforts across all root causes.

## **Wales**

172. The Welsh Assembly Government is committed to supporting vulnerable people and people on low incomes to reduce their heating bills by increasing the efficiency of energy use in their homes. During the five year period 2001-2006, the Assembly provided assistance to improve 60,000 homes in Wales, helping thousands of low income and vulnerable people in Wales to improve their lives. The Assembly will continue to work towards eradicating, as far as practicable, fuel poverty from vulnerable households by 2010.

**Paragraph 40 of the concluding observations. In the context of HIV/AIDS, the Committee urges the State party to ensure the availability of, and equal access to, anti-retroviral medication for all individuals in Overseas Dependent Territories.**

173. The OTs are responsible for managing their own health budgets and National AIDS Programme budgets, including those that receive budgetary aid from the Government. However, the Government facilitated contact between the Caribbean OTs and the Clinton Foundation HIV/AIDS Initiative for the acquisition of anti-retroviral medication at lower cost. Three OTs (Anguilla, the British Virgin Islands and Montserrat) are also members of the "Organisation of Eastern Caribbean States (OECS) Pharmaceutical Procurement Service" which procured anti-retroviral medication at reduced cost.

174. The Government has also been supporting regional HIV/AIDS programmes for the OTs for several years, the last one until September 2006. This provided support through the "Caribbean Epidemiology Centre" to the National AIDS programmes of Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos Islands. The Government is in the final stages of designing a new regional HIV/AIDS programme that will provide support to the following OTs: Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Montserrat, St Helena and its dependencies, and the Turks and Caicos Islands. Although there is no specific provision for anti-retroviral medication, the programme is designed to support the OTs' own national plans and maximise support from other donors such as the European Commission.

**Paragraph 41 of the concluding observations. The Committee urges the State party to take effective measures to ensure that the introduction of tuition fees and student loans does not have a negative impact upon students from less privileged backgrounds, in accordance with paragraphs 14, 20 and 45 of the Committee's general comment No. 13 on the right to education. The Committee requests the State party to provide, in its next periodic report, detailed information on the impact of tuition fees and student loans on lower socio-economic groups.**

175. The Government is committed to ensuring that as many young people attend university as possible. It has abolished up-front fees. From 2006, these have been replaced by fees which, although likely to be increased under variable fees provision, do not have to be repaid until a graduate is in paid employment. A “Student Finance Campaign” ensures that potential students and their financial supporters are aware of the abolition of up-front fees and are aware of the enhanced student support packages. “Aim Higher”, a national outreach programme, has been designed to widen participation in higher education and to increase the number of young people who have the abilities and aspirations to benefit from it.

176. In addition, universities charging higher fees will need, through access agreements with the Office of Fair Access, to say how they propose to use some of the additional income generated from fees to reach out to people from under-represented backgrounds, and what bursaries they might offer to them. A “Widening Participation” allocation, administered by the Higher Education Funding Council for England, is available to reimburse universities for additional costs of reaching out to and retaining students from under-represented backgrounds.

177. The Government has particular concerns over the interpretation of article 13(2)(c) of the ICESCR which states that: “*higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education*”. The key issue is whether this paragraph is intended to mean equal access to higher education by: (i) the progressive introduction of free higher education, OR (ii) the progressive introduction of free education up until the point at which higher education commences. The Government’s position on financial provision for higher education students would conflict with interpretation (i) because the Government does not provide free higher education. However, higher education is equally accessible to all in the UK on the basis that fees are not charged at the outset but paid by means of loans at a later stage in the student’s life. If interpretation (i) is correct, the Government believes other State parties (such as Australia and New Zealand) would also have problems with the implementation of article 13(2)(c).

178. With regard to race and gender relations in education, the Committee should also note the response and data provided in the Government’s Sixth Periodic Report on the ICCPR.<sup>101</sup>

## **Scotland**

179. Scotland abolished tuition fees for eligible Scottish-domiciles studying in Scotland, specifically to widen access to those from less privileged backgrounds. The Scottish Executive also offers means-tested bursary support to young students from low income groups to reduce the amount of loan they have to take. The Scottish Executive continually works with institutions and the Scottish Further and Higher Education Funding Council to monitor the impact of its policies on access to higher education.

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<sup>101</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies on the ICCPR* (1 November 2006), pp. 73-75, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

## **Wales**

180. Higher education students who normally live in Wales may be eligible for an Assembly Learning Grant. This provides extra support to help with the cost of books, equipment, travel and childcare costs that may arise from pursuing a course. For those studying in Wales, further help may be available from the Financial Contingency Fund. These funds provide financial help to enable students to access and remain in higher education, similar to the Access to Learning Fund scheme in England. There is also a range of extra support for people with dependants, including an Adult Dependants' Grant, Parents' Learning Allowance and a Childcare Grant for people who expect to have childcare costs during learning. For people with disability, should extra support or equipment be needed in order to access a course, Disabled Student Allowances will help cover the costs.

**Paragraph 42 of the concluding observations. The Committee reiterates its recommendation in paragraph 29 of its 1997 concluding observations that the State party consider appropriate measures in Northern Ireland to facilitate the establishment of additional integrated schools in areas where a significant number of parents have indicated their desire to have their children enrolled in such schools.**

181. By law, all schools in Northern Ireland are open to all pupils regardless of their religion. In practice, the vast majority of Protestant children attend state (controlled) schools, while most Catholic children are enrolled in separate Catholic (maintained) schools. To date, Government has accepted this as an expression of parental wishes and has not attempted to impose integrated schools.

182. Under the 1989 Education Reform (NI) Order, the Government has a statutory duty to "encourage and facilitate the development of Integrated Education". The Government funds the Northern Ireland Council for Integrated Education (grant for the 2007/08 financial year will be £545,000) to encourage the growth of integrated education. The Government is responding positively to parents' requests for integrated education provided this does not involve unreasonable public expenditure. There is also legislation in place to facilitate the transformation of existing schools to integrated status where a majority of parents wish it. The Government also provided a total of £4,3m to the Integrated Education Fund which was established jointly by the Government, the Nuffield Trust and the Joseph Rowntree Foundation. The fund makes grants to schools, groups and other organisations and supports research for examining the effect and need for integration. The fund also provides assistance with the capital costs of new schools in the period prior to capital grants being available from the Government. An annual budget has also been established to help existing schools with the process of transformation to integrated status. The budget for 2007/08 is £282,000.

183. Since 1997, the number of integrated schools has increased from 34 to 56 and pupil numbers are up from 8,182 to 17,607.

**Paragraph 43 of the concluding observations. The Committee encourages the State party to withdraw its reservations to the Covenant that have become redundant.**

184. The Government has updated its declaration and reservations to the ICESCR in Section 5 of the report ("Legal status and specific implementation of the Covenant").



**Paragraph 44 of the concluding observations. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary. It also encourages the State party to involve non-governmental organisations and other members of civil society in the preparation of its fifth periodic report.**

185. The Government will be publishing its Fifth Periodic Report to the ICESCR together with the Committee's concluding observations in the web site of the Ministry of Justice. The previous periodic report and the previous Committee's concluding observations are already available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>. Hardcopies of the periodic report will also be deposited at the British Library, National Library of Scotland, National Library of Wales, Oxford University, Cambridge University, Trinity College Dublin, The Stationery Office's Bibliographical Services Section, and the internal library of the Ministry of Justice.

186. This report was prepared by the Ministry of Justice in close co-operation with other Government Departments, the Devolved Administrations, the OTs and the CDs. The Government asked for the views of the following representatives of civil society:

- Age Concern;
- Amnesty UK;
- British Institute of Human Rights;
- Children in Wales;
- Children's Rights Alliance for England;
- Commission for Equality and Human Rights;
- Committee on Administration of Justice;
- Confederation of British Industry;
- CRE;
- DRC;
- EOC;
- Equality Commission for Northern Ireland;
- Justice;
- Liberty;
- National Council for Voluntary Organisations;
- Northern Ireland Human Rights Commission;
- Oxfam UK;
- Scottish Council for Voluntary Organisations;
- Trades Union Congress;
- UK Coalition Against Poverty.

**B. Information relating to each of the articles in Parts I, II and III of the Covenant**

**Article 1 - Self-determination**

**Protection under other international instruments ratified by the UK**

- Charter of the United Nations (1945);
- ICCPR (1966);
- European Charter for Regional or Minority Languages (1992);
- Framework Convention for the Protection of National Minorities (1995).

**Progress since the fourth periodic report**

**United Kingdom**

187. With regard to the devolution of power to Scotland, Wales and Northern Ireland and to the constitutional relationship with the OTs and the CDs, the Committee may refer to Section 2 of the report (“General political structure”) and to the Government’s Sixth Periodic Report on the ICCPR.<sup>102</sup>

**Wales**

188. The executive powers of the National Assembly for Wales have become the responsibility of the Welsh Ministers. It is the role of the Welsh Assembly Government to:

- Make decisions;
- Develop and implement policy;
- Exercise functions;
- Make subordinate legislation (e.g. regulations and statutory guidance);
- Propose Assembly Measures (Welsh laws).

189. One of the most significant changes the Government of Wales Act 2006 introduced was the ability of the National Assembly for Wales to make its own legislation on devolved matters such as health, education, social services and local government. These will constitute a new

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<sup>102</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 68-70 and 174-178, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

category of Welsh laws called Assembly Measures. However, the National Assembly for Wales will need to obtain 'legislative competence' (the legal authority to pass Measures) before having the power to make Measures (Welsh laws) in relation to a particular area of devolved government. Legislative competence (legal authority) will be given on a case-by-case basis by the UK Parliament. This can be granted either in Acts of Parliament or using the new route of 'Orders in Council'. Once the National Assembly for Wales is granted legislative competence (Measure powers) on a topic by the UK Parliament, it can begin the process of passing Assembly Measures (Welsh laws).

190. This should speed up the time it takes to make laws for Wales, as the National Assembly for Wales will be able to scrutinise and approve Welsh laws itself. This situation should also allow the Welsh Assembly Government to bring forward more significant changes and at a time when it chooses to do so. It is likely that Welsh Ministers will propose the majority of Assembly Measures. However, Assembly Members and Committees could also propose Measures. The Government of Wales Act includes provisions that enable the UK Government to hold a referendum to ask the people of Wales whether the Assembly should have full law making powers like the Scottish Parliament. For this to happen, two-thirds of the 60 Assembly Members and a majority in the House of Commons and the House of Lords would need to vote to approve a draft order fixing the date and wording of the referendum.

## **Article 2 - Realization of the rights contained in the Covenant**

### **Protection under other international instruments ratified by the UK**

- Charter of the United Nations (1945);
- ECHR (1950) and Protocol 1 (1952), Protocol 2 and 3 (1963), Protocol 5 (1966), Protocol 6 (1983), Protocol 8 (1985), Protocol 10 (1992), Protocol 11 (1994), Protocol 13 (2002), Protocol 14 (2004);
- ILO Convention no. 100 concerning Equal Remuneration for Men and Women Workers for Equal Value (1951);
- Convention on the Political Rights of Women (1953);
- Convention on the Nationality of Married Women (1957);
- ILO Convention no. 111 concerning Discrimination in respect of Employment and Occupation (1958);
- UNESCO Convention Against Discrimination in Education (1960);
- European Social Charter (1961);
- ILO Convention no. 122 concerning Employment Policy (1964);

- International Convention on the Elimination of All Forms of Racial Discrimination (1966);
- ICCPR (1966);
- Convention on the Elimination of All Forms of Discrimination against Women (1979) and Amendment (1995);
- Framework Convention for the Protection of National Minorities (1995);
- Treaty establishing the European Community and Treaty on European Union (as amended in Nice - 2003).

### **Progress since the fourth periodic report**

#### **United Kingdom**

#### **Non-discrimination and expulsion of aliens**

191. The Committee may refer to the Government's sixth periodic report on the ICCPR.<sup>103</sup>

#### **Rights of non-nationals**

192. The human rights of non-nationals are protected by the HRA which applies to anyone within the territory of the UK. Citizens of the European Union are entitled to the same rights as UK citizens, with the exception of the right to work in specific Government posts (which are reserved to UK citizens) and the right to vote in national elections (but they can vote in local elections).

193. The Government recognises an asylum seeker as a refugee when he or she meets the terms set out under the 1951 UN Convention on the Status of Refugees. Recognised refugees are entitled to the same social and economic rights as UK citizens. They have, for example, the right to access to medical treatment, education, housing and employment. Recognised refugees have also a duty to abide to domestic laws. Under section 55 of the Nationality, Immigration and Asylum Act 2002, asylum seekers have to apply for asylum as soon as reasonably practicable after arrival in the UK in order to be eligible for support. There are exceptions where applicants will get support even if they have delayed making their asylum claim. Most significantly, section 55 does not prevent support being provided to those with dependent children or with particular care needs and it does not prevent the provision of support if it would be a breach of the ECHR not to provide it.

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<sup>103</sup> *Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland to the ICCPR (CCPR/C/GBR/6), paras. 229-272 and 496-520.*

194. The Government is regularly improving the mechanisms for the integration of recognised refugees in the community, in fact a new model for national refugee integration services is expected to be rolled out in England by mid 2008. The new model will operate closely with the Borders and Immigration Agency and will include:

- A “Sunrise” service to create a personal integration plan for each refugee, to signpost and monitor achievement of the objectives, and to develop wide-ranging partnerships to support the project;
- A mentoring service which will put the refugee in touch with a mentor from the receiving community;
- An employment service to provide advice and support to refugees, particularly those with professional qualifications, in entering the UK job market;
- A consultancy service providing advice and support to those running Refugee Community Organisations.

195. Since 2005, the Government also established Joint Taskforces to collect data and inform its decision making process on immigration applications from international students coming to study in the UK, and from the arts and entertainment sector. The Joint Taskforces also keep under review the operation of the Register of Education and Training Providers to ensure it fulfils its function as a list of genuine education and training providers in the UK, and assist in developing a robust and streamlined procedure for handling individual applications which minimises the burdens on sponsors and applicants, with particular attention to the needs of touring groups.

196. Eligible adult asylum seekers receive 70% of income support, which takes account of the fact that they do not pay utility bills at the accommodation the Government provides. The level of support for those under 18 is 100% of income support. Asylum seekers who have been assessed as having care needs under section 21 of the National Assistance Act 1948 are supported by local authorities. Those whose needs fall below this threshold and who are eligible for asylum support are accommodated in suitably adapted premises as soon as possible. Victims of torture and asylum seekers with health care needs are entitled to access the NHS in the same way as a person settled in this country.

197. The Government’s policy is to remove incentives for people to come to the UK to work illegally, and to maintain the integrity of managed migration routes. The Government is committed to ensuring that there is a distinct separation between asylum processes and labour migration processes. It is essential to maintain a robust asylum process that works effectively and swiftly in the interests of refugees and is not open to abuse by those who come here to work. The exception to this is in accordance with the European Union Directive for Reception Standards for Asylum Seekers, which came into force in the UK in February 2005. This makes provision for asylum applicants to seek permission to take employment if their asylum claim remains outstanding for longer than 12 months without a decision being made on it, provided that the reason for the delay is not attributable to them. This permission to work continues only until

the point at which a final decision is made. The Government does not accept that it operates a system which obliges any asylum seeker to be destitute. The UK is subject to the ECHR requirement to support any asylum seeker who is not eligible for support under the normal provisions (section 95 of the Immigration and Asylum Act 1999) if a failure to do so would amount to a breach of the person's human rights. Unsuccessful asylum applicants who would otherwise be destitute and are temporarily unable to leave the UK due to circumstances outside of their control can request the provision of accommodation under section 4 of the Immigration and Asylum Act 1999. Support continues until the barrier to leaving the UK is resolved and providing the recipient continues to meet the eligibility criteria. Support is provided in the form of self-catering accommodation with vouchers, to the value of £35 per person per week, to purchase food and essential toiletries.

198. Provisions to make regulations providing for the supply of services or facilities of a specified kind exist in the Immigration, Asylum and Nationality Act 2006. The regulations will provide an increased level of support to the most vulnerable, including pregnant women/new mothers, babies and children. Refused asylum seekers are provided with health treatment, which is immediately necessary, free of charge within primary care. They are not eligible to receive free NHS hospital treatment except in access where the treatment received is exempt from charges (e.g. that given in an Accident and Emergency department). Unsuccessful asylum applicants receive appropriate treatment regardless of their ability to pay, for other life-threatening conditions and for the purpose of preventing any conditions from becoming life-threatening. Treatment should not be withheld or delayed. Any charging issues will be sorted subsequently. NHS Trusts have the discretion to write off any debts accrued when it would not be reasonable or cost effective to pursue them. Those who were undergoing treatment prior to appeal rights being exhausted continue to receive treatment free of charge until the treatment is complete or they leave the UK. Where there is no barrier to return, the Government considers that voluntary returns are reasonable and a far more dignified way of making a return for those refused asylum.

### **Article 3 - Gender equality**

#### **Protection under other international instruments ratified by the UK**

- ECHR (1950) and Protocol 1 (1952), Protocol 2 and 3 (1963), Protocol 5 (1966), Protocol 6 (1983), Protocol 8 (1985), Protocol 10 (1992), Protocol 11 (1994), Protocol 13 (2002), Protocol 14 (2004);
- ILO Convention no.100 concerning Equal Remuneration for Men and Women Workers for Equal Value (1951);
- Convention on the Political Rights of Women (1953);
- Convention on the Nationality of Married Women (1957);
- European Social Charter (1961);
- International Covenant on Civil and Political Rights (1966);

- Convention on the Elimination of All Forms of Discrimination against Women (1979) and Amendment (1995);
- Treaty establishing the European Community and Treaty on European Union (as amended in Nice - 2003).

## **Progress since the fourth periodic report**

### **United Kingdom**

199. The Committee should note the Government response on this issue in its Sixth Periodic Report on the ICCPR<sup>104</sup>.

200. The following major legislation or measures have been introduced since the last periodic report:

- The Equal Pay Act 1970 (Amendment) Regulations 2004, which came into force on 1 October 2004, altered the procedure that employment tribunals are required to follow where there is a question as to whether the claimant and the comparator are doing work of equal value;
- The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2004 made changes to the equal value tribunal procedures. These two sets of Regulations were introduced in order to make the tribunal system work more effectively and to tackle the delays that can occur in the large-scale and more complex equal value cases;
- The Employment Equality (Sex Discrimination) Regulations 2005 came into force on 1 October 2005. They have updated the Sex Discrimination Act 1975 and the Equal Pay Act 1970 to implement the amendments to the 1976 Equal Treatment Directive (76/207) contained in European Community Directive 2002/73. The Equal Treatment Directive established the European Community principle of equal treatment for men and women with regard to access to employment, vocational training, promotion and working conditions. Directive 2002/73 incorporates European Court of Justice case law and strengthens the principle of equal treatment and its practical implementation;
- The Equality Act 2006 established the CEHR, the body that will take over responsibility from the EOC, the CRE and the DRC. The CEHR will have responsibility for promoting equality and enforcing equality law on grounds of gender, race, disability, sexual orientation, religion or belief and age. Its responsibilities also include promoting human rights. The Act also created a statutory duty on public authorities to pay due regard to the need to promote equality of opportunity between women and men, and to eliminate gender discrimination in the way they carry out their functions, including

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<sup>104</sup> *Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland to the ICCPR (CCPR/C/GBR/6), paras. 273-341.*

those that only they, as public authorities, can perform - for example, setting public policy, collecting taxes (gender discrimination by providers of other services that can be carried out by either public or private sector has been unlawful since 1975). This proactive, new duty came into force in April 2007 and requires public authorities to draw up, consult on, and publish plans setting out the actions they will take to meet this duty. They must review progress against the plan and revise it every three years.

### **Northern Ireland**

201. The Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003, implements the EU Framework Directive on Employment and Occupation in Northern Ireland as it relates to discrimination on the grounds of religion or belief. The Order, which amends the Fair Employment and Treatment (Northern Ireland) Order 1998, came into operation on 10 December 2003.

202. In Northern Ireland Priorities and Budget, for 2005-08 committed the Government to bring forward a cross departmental strategy on gender equality. A draft gender equality strategy, 'Gender Matters', was issued for full public consultation on 30 September 2004. The Government worked with the Gender Advisory Panel finalising the strategy and developing its action plans. The strategy and its two supporting action plans for women and men will better enable Northern Ireland to contribute to a number of international treaties and agreements on which the UK reports. In particular the key action areas in the draft strategy reflect the areas of concern in the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (1995). The strategy and its Women's Action Plan form the key Northern Ireland input to the UK report "Delivering on gender equality 2003-2006". The Gender Strategy was published in December 2006. The two action plans are expected to be published at the end of 2007.

### **Wales**

203. Unlike England and Scotland, Wales is not subject to any specific gender duties because wholly Welsh public authorities were removed from the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 after the Equality of Opportunity Committee recommended that the Order be rejected by Plenary. The Committee made this recommendation because it felt that the Order was not strong enough on equal pay. As a result, although public authorities in Wales are required to promote equality between men and women, they are not required to produce a gender equality scheme, action plan or annual report. However, the Welsh Assembly Government aims to provide an exemplary service to women and men in Wales by developing strategies and policies that are effective and outcome focused. To this end, the Welsh Assembly Government has set out its commitment to producing a voluntary gender equality scheme, engagements events were held in 2006 across Wales with both individuals and gender organisations, these events were held to discuss the priorities of those present. Following a consultation period in January 2007 the scheme was published in April.

204. Following the removal of wholly Welsh public authorities from the English Order, the Business Minister made a commitment on behalf of the Welsh Assembly Government to develop specific gender duties for Wales. However, before the Welsh Ministers could make an order under the Sex Discrimination Act imposing specific gender duties on Welsh public authorities,



it would be necessary for the function of making such orders to be transferred to them from the UK Government. Discussions are taking place following the elections on how to progress in this area of work.

#### **Article 4 - Limitations**

##### **United Kingdom**

205. Nothing to report under this article.

#### **Article 5 - Interpretation**

##### **United Kingdom**

206. Nothing to report under this article.

#### **Article 6 - Right to work**

##### **Protection under other international instruments ratified by the UK:**

- ILO Convention No. 111 on Discrimination (Employment and Occupation) (1958);
- European Social Charter (1961);
- ILO Convention No. 122 on Employment Policy Convention (1964);
- International Convention on the Elimination of all Forms of Racial Discrimination (1966);
- Convention on the Elimination of All Forms of Discrimination against Women (1979) and Amendment (1995).

##### **Progress since the fourth periodic report**

##### **United Kingdom**

207. The Committee should note that attached UK reports on compliance with the provisions of ILO Conventions 111 and 122, covering the period from 1 June 2004 to 31 May 2006 (annex I and annex II). The reports provide the latest update on legislative developments under article 6 of the ICESCR.

##### **Northern Ireland**

208. The following major legislation has been enacted since the previous periodic report:

- The Disability Discrimination Act 1995 (Amendment) Regulations 2004;
- The Disability Discrimination Act (Questions and Replies) Order 2004;

- The Disability Discrimination (2006 Order) (Commencement No 1) Order (NI) 2006;
- The Disability Discrimination (2006 Order) (Commencement No 2) Order (NI) 2006.

209. The Disability Discrimination (NI) Order 2006 (DDO), which amends the Disability Discrimination Act 1995 (DDA) for Northern Ireland, was made at Privy Council in February 2006. Amongst its provisions, it:

- Amends the DDA definition of disability to ensure people with HIV, MS and cancer are covered from the point of diagnosis;
- Removes from the DDA's definition of disability the requirement that mental illness must be "clinically well recognised";
- Extends the DDA to cover private clubs (with 25 or more members);
- Introduces new duties on public authorities;
- Extends the DDA to cover all the functions of public bodies; and
- Provides for the extension of the DDA access duties to transport vehicles.

210. To date, two Commencement Orders have been made bringing into operation certain provisions of the DDO. Most notably the second Commencement Order brought into operation, on 1 January 2007, the duty on public authorities to have due regard to the need to promote positive attitudes towards disabled people and the need to encourage participation by disabled persons in public life. The Equality Commission for Northern Ireland has produced a Guide for public authorities on this new duty. In Northern Ireland the Equality Commission for Northern Ireland produces Codes of Practice on the Disability Discrimination Act 1995. It is planned to consider changes to the definition of disability later this year while the Government will publish new statutory guidance on the definition. Further provisions of the DDO will also come into operation later this year.

### **Article 7 - Right to fair conditions of employment**

#### **Protection under other international instruments ratified by the UK**

- ILO Convention No. 81 on Labour Inspection (1947);
- ILO Convention No. 100 on Equal Remuneration (1951);
- European Social Charter (1961).

#### **Progress since the fourth periodic report**

##### **United Kingdom**

211. The statutory national minimum wage took effect on 1 April 1999. The rates and subsequent changes are based on those recommended to the Government by the independent

Low Pay Commission following extensive fact-finding and consultation exercises. The minimum wage is currently payable at the following rates:

- £5.35 per hour for those aged 22 or over;
- £4.45 per hour for those aged 18 to 21;
- £3.30 per hour for those aged 16-17 (who are above the age of compulsory schooling).

212. The rate for 16-17 year olds was introduced in October 2004. Apprentices who are under the age of 19 are not entitled to the minimum wage and older apprentices are exempt during the first 12 months of their apprenticeship. With few other exceptions, the minimum wage is payable to all workers whether full-time or part-time and whether permanent, temporary, casual or home workers. Latest figures from the Office of National Statistics show that around 1.3 million people were entitled to higher pay as a direct result of the national minimum wage increase in October 2006. There has been little negative impact on jobs or prices.

213. The minimum wage is enforced by specialist Government compliance officers who undertake appropriate action to ensure that the minimum rate and any arrears of pay are paid to workers. Workers who believe that they are not receiving the minimum wage can call a confidential helpline. The helpline operators have access to language line interpreters so that callers can be phoned back, allowing the caller to speak in their own language. All complaints are considered by the Government. 16 teams around the UK are devoted to making sure workers receive their entitlement. Compliance teams also undertake targeted inspections. In January 2007 the Government announced that employers who refuse to pay the minimum wage could face a fine for every worker they have underpaid. Employers already have to pay back the arrears that they owe to the worker. Now, virtually all employers who are issued with an enforcement notice (an official demand for arrears) and who do not comply fully with it will be issued with a penalty notice, with a minimum fine of £224.70. The Government is keen to ensure that migrant workers coming to the UK are aware of their employment rights and responsibilities, including the minimum wage. It has co-operated with the Portuguese, Polish and Lithuanian Governments on information leaflets for their nationals. It has also produced a basic, one page *Working in the UK: Know your rights and where to get help and advice* leaflet available in Bulgarian, English, Latvian, Lithuanian, Polish, Romanian and Slovakian. The Government is also sending the leaflet to all workers registering under the worker registration schemes for recent European Union accession countries.

214. In addition, the Government has established a Vulnerable Worker Enforcement Forum, chaired by the Employment Relations Minister, to look into the nature and the extent of abuse of worker rights, assess the adequacy of the enforcement framework, and identify possible improvements. The Conduct of Employment Agencies and Employment Businesses Regulations 2003, which came into force in April 2004, help ensure agency workers get the employment rights to which they are entitled and stamp down on abuses. The Government is considering some amendments to these regulations in respect of vulnerable agency workers. The Government

also continues to support the underlying principles of the draft EU Directive on agency workers and is committed to working with the European Commission to introduce appropriate rules to protect these workers.

215. New entitlements to paternity and adoption leave and pay were introduced under the Employment Act 2002. Employed fathers are entitled to two weeks' paternity leave, with Statutory Paternity Pay paid at the same standard rate as Statutory Maternity Pay. Adopters are entitled to one year's adoption leave with 39 weeks' Statutory Adoption Pay paid at the same standard rate as Statutory Maternity Pay. The Employment Act 2002 also amended the Employment Rights Act 1996 to provide that parents of children under six, or of disabled children under 18, are entitled to request a flexible working pattern. Employers must seriously consider the request and may only refuse on set business grounds. The Work and Families Act 2006 provides for the same entitlement to request a flexible working arrangement to apply to employees caring for adults.

### **Article 8 - Right to form and join trade unions**

#### **Protection under other international instruments ratified by the UK**

- ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948);
- ILO Convention No. 98 on the Right to Organise and Collective Bargaining (1949);
- European Social Charter (1961);
- ICCPR (1966);
- ILO Convention No. 135 on the protection and facilities to be afforded to the Workers' Representatives (1971);
- ILO Convention No. 151 on Labour Relations (Public Service) (1978).

#### **Progress since the fourth periodic report**

##### **United Kingdom**

216. At 31 March 2006, there were 185 listed trade unions. According to the latest official figures collected by the Certification Officer for Trade Unions and Employers' Associations, which mostly relate to the position at the close of 2004, there were about 7.5 million trade union members.

217. The Employment Act 2002 contained provisions which assigned rights to paid time off for union learning representatives (ULRs) to undertake their functions. ULRs are a new type of trade union representative who advise union members about their training and learning needs. The 2002 Act also provided an entitlement for union members to take time off from work to use the services of their ULRs.

## **The Employment Relations Act 2004**

218. The previous periodic report described features of the Employment Relations Act 1999 (the “1999 Act”), which amended key aspects of trade union law. In 2002-2003, the Government undertook a detailed and wide ranging review of the 1999 Act. The Government published the initial findings of the review for public consultation on 27 February 2003. The central conclusion of the review was that the provisions of the 1999 Act had generally worked well. However, the review identified a number of areas where some adjustment to the legal framework was needed. The Employment Relations Act 2004 (the “2004 Act”), which mainly concerned collective labour law and trade union rights, implemented the findings of the review. Among other things, the 2004 Act contained the following provisions (which came into effect by October 2005):

- Strengthened the protections of union members by ensuring that union members have clear rights to use their union’s services and cannot be offered inducements by their employers to forego union rights;
- Clarified the role of the companion (who may be a union official or fellow worker) at disciplinary and grievance procedures;
- Amended aspects of the statutory procedure whereby a trade union can be recognised by an employer for collective bargaining purposes. For example, the 2004 Act tackled the potential for workers to be intimidated during recognition and de-recognition ballots. The Act achieved this by placing a duty on both employers and unions not to engage in improper campaigning activity. This ensures that unions and employers cannot induce, coerce or threaten workers into voting a particular way or use undue influence to affect the outcome of a vote. The Act also ensured that access meetings between the union and the workers in the bargaining unit during the ballot period are private;
- Widened the ability of a trade union to expel or exclude individuals on the basis of their political party activities which are incompatible with the aims and rules of the union;
- Clarified what types of information trade unions needed to include in industrial action notices;
- Extended the protection of employees who take part in lawfully organised official industrial action. In particular, it made it unlawful for an employer to dismiss an employee on the grounds that the employee had taken part in such action which had lasted twelve weeks or less. Previously, the 1999 Act had set this so-called “protected period” at eight weeks. The 2004 Act also clarified the circumstances where it was unlawful for an employer to dismiss an employee for taking action which lasted beyond the protected period, by making it clear what procedural steps the employer was required to undertake to resolve the trade dispute with the trade union.

## **Article 9 - Right to social security**

### **Protection under other international instruments ratified by the UK**

- ILO Convention No. 102 on Social Security (Minimum Standards) (1952);
- European Social Charter (1961);
- European Code of Social Security (1964).

### **Progress since the fourth periodic report**

#### **United Kingdom**

219. See attached annex III for the UK report on compliance with the provisions of ILO Convention 102, covering the period from 1 June 2001 to 31 May 2006. The Committee should note that the UK has not ratified Parts VI, VIII and IX of ILO Convention 102 covering, respectively: Employment Injury Benefit; Maternity Benefit and Invalidity Benefit. The UK has also ratified the Council of Europe's European Code of Social Security, which effectively replicates the same minimum standards for the nine branches of social security, as are covered by ILO Convention No. 102.

220. The UK has a comprehensive scheme of social security which covers the entire population. Separate, but corresponding, schemes of Social Security are operated in Great Britain and Northern Ireland. Reciprocal arrangements between the two ensure that the schemes effectively operate as a single system. The law governing Social Security in Great Britain was amended during the reference period by the measures described and listed in annex III. Equivalent legislation came into effect in Northern Ireland. Benefit levels and dates of commencement are maintained in parity with Great Britain and all rates quoted therefore apply equally. The formal (public) social security schemes in the UK are so designed that an individual has no need to supplement the benefits through informal (private) arrangements. The UK social security scheme is totally financed domestically. There is no recourse to international assistance.

221. Total benefit expenditure in the UK for the year 2006/07 amounted to £GB 134.6 (billion) - some 10.3% of GDP. Amounts of GDP, total benefit expenditure and expenditure as a percentage of GDP for the preceding ten year period are set out in the table below.

222. Expenditure on the benefits, as a percentage of GDP, is now 2% less than it was ten years ago. The main reason for this is that the UK is spending less on Working Age benefits, such as Jobseeker's Allowance for the unemployed. Compared with the position ten years ago, there are now some 2.5 million more people in work in the UK.

**UK total benefit expenditure (£GB billion) as percentage of GDP**

Year	1996/97	1997/98	1998/99	1999/00	2000/01
UK benefit expenditure	95.2 billion	96.4	98.7	102.3	104.7
% GDP	12.3%	11.7%	11.1%	10.8%	10.9%
GDP (£billion)	775	824	871	922	965
Year	2001/02	2002/03	2003/04	2004/05	2005/06
UK benefit expenditure	110.2 billion	115.1	120.0	125.5	130.5
% GDP	10.9%	10.8%	10.6%	10.6%	10.5%
GDP (£billion)	1 007	1 064	1 128	1 187	1 240

*Notes:*

1. Includes Northern Ireland.
2. Includes expenditure on War Pensions.
3. Includes Child Benefit expenditure to 2003 for details of expenditure from 2003 onwards see annex III ILO Convention No. 102 Report Part VII.
4. The comparison above is with Gross Domestic Product (GDP). In the UK system of accounts GNP has been replaced by Gross National Income (GNI). GNI would be obtained by adding "Net Property Income from abroad" to GDP. Net Property Income from abroad equates to earnings arising from overseas investment and the ownership of other types of foreign financial assets. Specifically compensation of employees to/from the Rest of the World (ROW) plus property and entrepreneurial income less net taxes (i.e. adjusted for subsidies received from the ROW). The difference between GDP and GNI would not have a substantial effect.

**Welfare reform**

223. On 24 January 2006, the Government published the Welfare Reform Green Paper *A new deal for welfare: Empowering people to work*<sup>105</sup>. Between January and April 2006, the Government consulted on the proposals in the Green Paper. Over 600 individuals and organisations gave their views. In June the Government published its response to the consultation.

224. On 4 July 2006, the Welfare Reform Bill<sup>106</sup> was introduced for those measures that need primary legislation agreed by Parliament. It has completed all its parliamentary stages. On 3 May 2007 the Welfare Reform Act was given Royal Assent, bringing into law a number of measures including:

<sup>105</sup> [http://www.dwp.gov.uk/welfarereform/legislation\\_green\\_paper.asp](http://www.dwp.gov.uk/welfarereform/legislation_green_paper.asp).

<sup>106</sup> [http://www.publications.parliament.uk/pa/cm200607/cmbills/001/en/index\\_001.htm](http://www.publications.parliament.uk/pa/cm200607/cmbills/001/en/index_001.htm).

- Reform of incapacity benefits;
- Housing Benefit reforms;
- Other measures to amend the current benefit system.

225. A number of other measures in the Green Paper that do not need primary legislation include:

- The national extension of Pathways to Work;
- Health, work and well-being strategy;
- Lone parents;
- Older people;
- Cities Strategy.

226. The main aspects of the Incapacity Benefit reform involve:

- Working with employees and employers to disseminate best practice in health and safety at work and best practice in absence management, retention and recruitment policies;
- Working with health professionals to disseminate best practice in vocational rehabilitation (ending the sick note culture); providing support with employment advice; and pilot schemes involving employment advisers in General Practitioner's surgeries;
- Changing the rules on other benefits, such as Jobseeker's Allowance, and increasing contact with lone parents to address the flow of people from other benefits onto incapacity benefits;
- Introducing a new gateway to benefits. The current Personal Capability Assessment process is often viewed simply as a hurdle that must be cleared in order to receive benefit and, as a consequence, it focuses on incapacity rather than a person's capability. The Government is transforming the current assessment process within the gateway so that it:
  - Provides a professional assessment of an individual's eligibility for financial support based on their functional capability;
  - Identifies those people who are capable of taking part in work-related activity and the support and interventions required to help them get back to work; and
  - Identifies people who are so limited by their illness or disability that it would be unreasonable to require them to undertake any form of work-related activity in the foreseeable future.



- The new Employment and Support Allowance (ESA). This will replace the current Short-term and Long-term Incapacity Benefit. New customers will go onto an assessment phase rate of the ESA for 13 weeks while their medical condition is assessed. The majority of customers, those who, with the right help, should be able to make steps to return to work, will receive a Work-Related Activity component on top of the basic rate after the first 13 weeks. This component can be subject to sanctions if the customer does not engage in the conditionality requirements without good reason. Those with the most severe health conditions will receive the Support component, which will be payable at a higher rate and free of any requirement to engage in work-related activities. However, as it is important not to write anyone off, people receiving the Support component will be able to volunteer for appropriate support on offer;
- In work support. To ensure people continue working, or are able to move into work, a new Pathways Choices package is introduced with a return to work credit to ensure people really are better off in work.

### **Pension reform**

227. In December 2002 the Government set up the independent Pensions Commission to review the longer-term challenges faced by the pensions system and make recommendations for reform. The Commission published its conclusions in November 2005, setting out its proposals for meeting the challenges we face in providing a fair and adequate retirement income for all in retirement. With the Commission's report providing a solid basis for building consensus, the National Pensions Debate<sup>107</sup> gave the public a chance to have their say on the emerging options for reform. This process culminated in National Pensions Day. With input from the National Pensions Debate, the Government built on the Commission's report and published its own proposals on the 25 May 2006 in the White Paper *Security in retirement: towards a new pensions system*<sup>108</sup>. These proposals were designed to meet the 5 tests of personal responsibility, fairness, simplicity, affordability and sustainability.

228. Between May and September 2006, the Government consulted on the reform package in the White Paper. Around 350 individuals and organisations responded to the consultation. On 28 November 2006 the Government introduced the Pensions Bill<sup>109</sup> into Parliament. The Bill legislates for long-term pensions reform, making the state pension fairer and more generous and providing a solid foundation for private saving. On 12 December 2006, the Government published a second White Paper, *Personal accounts: a new way to save*<sup>110</sup>. This White Paper sets out proposals for a new national system of low cost personal accounts.

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<sup>107</sup> <http://www.dwp.gov.uk/pensionsreform/debate/>.

<sup>108</sup> <http://www.dwp.gov.uk/pensionsreform/towards.asp>.

<sup>109</sup> <http://www.dwp.gov.uk/pensionsreform/legislation.asp>.

<sup>110</sup> [http://www.dwp.gov.uk/pensionsreform/new\\_way.asp](http://www.dwp.gov.uk/pensionsreform/new_way.asp).

## **Article 10 - Right to protection of the family**

### **Protection under other international instruments ratified by the UK**

- European Social Charter (1961);
- ICCPR (1966);
- ILO Convention No. 138 on Minimum Age Convention (1973);
- Convention on the Elimination of All Forms of Discrimination against Women (1979) and Amendment (1995);
- Convention on the Rights of the Child (1989).

### **Progress since the fourth periodic report**

#### **United Kingdom**

229. The Committee should note the latest Government Periodic Reports on the Convention on the Rights of the Child (draft)<sup>111</sup>, the Convention on the Elimination of All Forms of Discrimination against Women<sup>112</sup>, and the Government Sixth Periodic Report on the ICCPR<sup>113</sup>.

#### **Domestic violence**

230. See the response to Paragraph 35 of the Committee's concluding observations in Section 7 of the report.

#### **Work arrangements**

231. All employed women are now entitled to a total of 52 weeks' maternity leave, regardless of their length of service with their employer. To qualify for Statutory Maternity Pay, a woman must have worked continuously for 26 weeks with the same employer by the 15th week before her baby is due and have average weekly earnings at least equal to the lower earnings limit (£87 a week at April 2007). The employer pays it at 90% of the woman's average weekly earnings for six weeks and a flat rate (£112.75 from April 2007) for 12 weeks. The pension rights of women on maternity leave are protected.

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<sup>111</sup> [http://www.everychildmatters.gov.uk/\\_files/3A0F3BF46A08D91EA1750CCC3079BE4D.pdf](http://www.everychildmatters.gov.uk/_files/3A0F3BF46A08D91EA1750CCC3079BE4D.pdf).

<sup>112</sup> [http://www.womenandequalityunit.gov.uk/eu\\_int/CEDAW5.doc](http://www.womenandequalityunit.gov.uk/eu_int/CEDAW5.doc).

<sup>113</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), pp. 160-169, available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

232. Under the Employment Rights Act 1996, as amended by the Employment Act 2002, employed adopters can take one year's adoption leave. Regulations made under the Social Security and Contributions Act 1989 provide for adopters to receive Statutory Adoption Pay for up to 39 weeks.

233. Three quarters of mums now take their full entitlement to maternity pay, up from two thirds in 2002. Mums are also taking more time off. The average period of maternity leave is now six months, up from four months in 2002. Dads now take more leave around the birth of their child, with the vast majority (93%) of dads taking time off around the birth, with four-fifths (79%) taking up their new entitlement to paternity leave. The proportion of dads taking more than two weeks rose from 22% to 36% in just three years. The proportion of mums who changed their employer when returning to work has halved from 41% in 2002 to 20%. There has also been an increase in the availability and take-up of flexible working entitlements. 5.4 million employees (2.2m men, 3.2m women) work through some form of flexible working arrangement; this is equivalent to 24 per cent of employees. Including part-time work, this figure rises to 9.7 million employees. 3.6 million parents are currently entitled to request to work flexibly. Extending the right to request to carers of adults (from 6 April 2007) will mean an additional 2.65 million employees will have the right. The right to request flexible working for parents has proven a success with employers and employees with nearly 4 out of 5 requests agreed by employers. Almost a quarter (22%) of parents with children under 6 have requested to work flexibly since it was introduced. Around 3 million carers are working either full-time or part time. This represents over 12% of the total UK workforce - 1 in every 8 employees. 5.4 million employees (2.2 million men, 3.2 million women) work through some form of flexible working arrangement (Labour Force Survey Autumn 2004). 7 in 10 of employers say they are willing to consider flexible working requests from all staff (CIPD Oct 2003).

234. 77% of new mothers think that fathers are confident of caring for a child. Fathers are taking more time off when their partner has a baby. The proportion taking more than 2 weeks of paternity leave has risen from 22 per cent in 2002 to 36 per cent in 2005. And more fathers are changing their working patterns when their partner has a baby. The use of flexi-time, amongst fathers who have just had a baby, has trebled from 11 per cent in 2002 to 31 per cent in 2005. And use of home-working has doubled from 14 per cent to 29 per cent. Employers are changing too. In 2002, 22 per cent of fathers claimed that the opportunity to work part-time was provided by their employer; 22 per cent had access to flexi-time and 20 per cent could work at home occasionally. By 2005 these figures have doubled to 47, 54 and 39 per cent respectively. Employers are also more likely to continue to pay fathers in full for emergency time off. In 2002 half the fathers reported being entitled to this, by 2005 this has risen to 80 per cent. Employer are not legally obliged to pay staff taking emergency leave so these results suggest a greater acceptance among employers of the need to implement work-life balance measures. 67% of women and 60% of men agreed or strongly agreed that mothers should have the choice to share some of their paid maternity leave.

### **Work and Families Act 2006**

235. Following extensive consultation on the proposals set out in the Ten Year Childcare Strategy, the Work and Families Act 2006 contains the following key provisions:

- Extended maternity and adoption pay from six to nine months from April 2007, towards the goal of a year's paid leave by the end of the Parliament;
- Widening the scope of the existing law to enable those who care for adults to request to work flexibly from April 2007;
- Giving fathers a right to take up to 26 weeks Additional Paternity Leave, so that they can play a greater role in bringing up their children, and allow mothers to return to work earlier if they wish to do so. The aim is to introduce this by the end of the current Parliament, alongside the further extension of maternity and adoption pay to a year;
- Introducing measures to help employers manage the administration of leave and pay and plan ahead with greater certainty from April 2007;
- Helping employers and employees benefit from improved communication during maternity leave.

### **Lone parents and work**

236. All lone parents claiming Income Support have at least an annual Work Focused Interview. New claimants who are lone parents have Work Focused Interviews at six then twelve months, before moving to an annual cycle of Work Focused Interviews (ie once a year):

- Since October 2005, lone parents claiming Income Support for at least a year and whose youngest child is aged have had to attend Work Focused Interviews quarterly;
- From April this year quarterly Work Focused Interviews are being introduced to the New Deal Plus for Lone Parents pilot areas;
- Also from April this year, lone parents who have been claiming Income Support for at least a year, and whose youngest child is aged between 11 and 13 will have Work Focused Interviews every six months, rather than annually;
- From April next year, lone parents who have been claiming Income Support for at least a year and whose youngest child is aged 0-4 will also have Work Focused Interviews every six months, rather than annually.
- From this year, lone parents claiming Income Support and whose youngest child is aged between 5 and 13 will move to this six-monthly cycle. Next year, lone parents whose children are aged 0-4 years will also move to the enhanced six-monthly cycle. Work Focused Interviews are designed to help keep claimants in touch with the world of work.

237. The Government has developed a range of measures to provide more childcare and to help with the costs of childcare:

- The 2004 Spending Review announced the establishment of a network of up to 2,500 childcare centres by 2008, increasing to 3,500 by 2010;

- The Childcare Element of Working Tax Credits helps working parents pay for childcare. In April 2006, the proportion the Government pays towards childcare costs to parents on a low income increased from 70 to 80%;
- Lone parents taking up a job of less than 16 hours a week from the can claim the cost of registered childcare while they are working, up to a maximum of £87 a week for one child, or £150 per week for two or more children for up to a year.

238. The main programme of support for lone parents claiming Income Support or Job Seekers Allowance is the New Deal for Lone Parents (NDLP). Introduced in 1998, it is a voluntary programme designed to support lone parents who are looking to get back into work. Since October 1998, NDLP has helped more than 482,000 lone parents into work. It provides a comprehensive package of support including:

- Personal advisors to provide advice and support, including on in-work benefits such as Working Tax Credit and Childcare Tax Credit, training. Lone parents can continue getting support once in work, although most do not need this for more than 6 weeks;
- Help with a week's registered childcare in the week before starting work (introduced in April 2005), so long as they have a firm offer of a job for at least 8 hours a week and have child(ren) who would need to be cared for during the hours of work;
- Mentoring;
- Debt counselling, if needed.

239. Lone parents going back into work are, of course, also entitled to measures designed to help everyone moving from unemployment back into the workplace, including 4 weeks of Housing Benefit, an improved Job Grant - which for lone parents and couples with children is £250. For this tax year (2006/07), the earnings disregard for tax credits was increased to £25,000, from £2,500. This means that a lone parent moving into a job paying average wages would retain their tax credit payment for the rest of the year.

240. Lone parents taking up part-time work can keep the first £20 of their weekly earnings without it affecting their Income Support or Job Seekers' Allowance.

## **Carers**

241. The Pensions Bill provides for contributions from caring to be recognised equally with contributions from work, allowing up to an extra 1 million people - over 90% of whom are women - accrue State Second Pension. Carer's Allowance helps maintain the income of over 456,000 carers, almost 75 per cent of them women, who give up the opportunity of full-time work to provide regular and substantial care to a severely disabled person. Carers Grant was introduced in 1999 to support councils in providing breaks and services for carers in England. The grant has been increased annually and has provided an extra £635m since 1999. It is worth £185m this year (2006/07) and next (2007/08). This means that, by 2008, the Government will have invested over £1 billion in support for carers. From April 2007, the right to request a flexible pattern of working will be extended to people in work who are caring for others.

In 2003, changes to direct payment regulations and the introduction of the short-term break voucher schemes mean that carers have gained much more flexibility in how they can access short breaks. This increases carers' choices, options and control over their own lives.

242. According to the 2001 Census, there are nearly 5.9 million people in the UK who provide unpaid care. 58% are female. Women are more likely than men to provide unpaid or informal care in all age groups except the very oldest. In 2001 12% of all females compared to 9% of males said that they provided care. There are marked differences between carers and non-carers in terms of economic activity. Carers are much less likely to work full-time (39% compared to 48% of non-carers) and more likely to work part-time (18% compared to 13% of non-carers). Today, around 1.9 million carers (around 95% of who are women) are accruing State Second Pension. Between August 2003 and August 2006, the number of women receiving Carer's Allowance increased by almost 14 per cent. In the case of women who had reached pension age, the increase was almost 28 per cent. Over the same period, the number of women receiving the carer premium in Income Support, or the equivalent carers additional amount in Pension Credit, increased by 49%.

243. Due mainly to the reduction in qualifying years, but also from replacing Home Responsibilities Protection (HRP) with new credits, there will be improved basic state pension outcomes for carers following the adoption of the Pensions Bill. The new Carers' Credit means that: around 120,000 people could gain a carer's credit for basic state pension in 2010, including around 85,000 women - out of around 160,000 people who are estimated to be caring for at least 20 hours a week but do not qualify for basic state pension; and around 180,000 more people would accrue entitlement to second state pension in 2010, including around 110,000 women - out of around 240,000 people who are estimated to be caring for at least 20 hours a week but do not qualify for State Second Pension.

244. The Government has also supported two Private Members Bills, now both enshrined in legislation, which give carers new rights, including the right to an assessment of their own needs:

- Carers and Disabled Children Act 2000 - strengthens the rights of carers and involves a new right to a carer's assessment;
- Carers (Equal Opportunities) Act 2004 which came into force on 1 April 2005. It places a duty on local authorities to inform carers of their right to an assessment of their needs; authorities have to take carers' wishes into account when undertaking the assessment; it facilitates co-operation between authorities in delivering services to carers.

## **Childcare**

245. The Government has made free, part time, early education available for all 3 and 4 year olds (an overwhelming majority take it up), and substantially expanded childcare provision, with a wide variety of types of provider - nurseries, childminders, pre schools, before and after school clubs and holiday play schemes, to meet parents' different needs and provide real choice. And to enhance affordability, the Government is providing more help than ever before (around £2m a day) to working families with their childcare costs through tax credits; as well as arranging for an element of employer supported childcare to be free of tax and national insurance contributions, and guaranteeing two years of free, high quality early education to all families

before their children reach school starting age. In addition, the Government is currently piloting, until 2008, free early years provision to 12,000 disadvantaged two year olds across 32 local authorities. The key target groups are children not already accessing provision who would most benefit from early access, and particularly, those identified as less likely to access the free entitlement at age 3.

246. London has higher childcare costs than elsewhere and this is a particular barrier to women entering the labour market. That is why the Government has established, with the Greater London Authority and London Development Agency, a £33 million *London Childcare Affordability Pilot* running from November 2005 to March 2008. It will offer 10,000 new childcare places and is the largest region specific initiative programme of its kind in England. All 33 London local authorities are now participating in the initiative.

247. The Government has also built a strong foundation of services and support for young children and parents. But it took stock of what had been achieved, and outlined an ambitious long-term vision in its Ten Year Childcare Strategy, published in December 2004. For younger children and their families, multi-agency Sure Start Children's Centres are at the heart of the strategy. There will be 2,500 centres by 2008, and all young children and their families in the most disadvantaged areas will have access to one, and a network of 3,500 by 2010 - so every family has easy access to high quality integrated services in their community and the benefits of Sure Start can be felt nationwide. The Government is also continuing to extend the early education entitlement with 3 and 4 year olds gradually receiving 15 hours free provision per week from 2007. The longer term goal is an extension to 20 hours a week. Families with children from 3 up to 14, who need it, will have access to affordable, flexible and high quality childcare that meets their circumstances from 8 - 6 and throughout the year. The Government is building that offer around schools as part of the extended services programme. The aim is that all schools become extended schools by 2010 providing a core offer of activities (including childcare), with at least half of primary schools and a third of secondary schools doing so by 2008.

248. The landmark Childcare Act 2006 gives statutory force to key commitments in the Strategy and is the first legislation devoted to early years and childcare. The Act provides for:

- A new duty on local authorities to improve the outcomes of all children under 5, and close the gaps between groups with the poorest outcomes and the rest, by ensuring early years services are integrated and accessible;
- A new duty on local authorities to secure sufficient childcare to ensure it meets the needs of their local communities, in particular those on low incomes and with disabled children;
- An extended duty on local authorities to ensure people have access to the full range of information they may need as a parent;
- A reformed and simplified regulatory regime for early years and childcare to reduce bureaucracy and raise quality, including a new single framework for learning and development for children under 5 - the Early Years Foundation Stage - to ensure consistently high standards and promote achievement.

249. Stock of registered places now exceeds 1.29m and is more than double that in 1997. There are currently 1,094 Sure Start Children's Centres offering services to over 875,000 young children and their families. More than 4,000 schools - around 1 in 6 - are now offering the core extended services which includes childcare between 8 and 6 each weekday. All 3 and 4 year olds are now guaranteed a free, part time (12½ hours per week, 38 weeks a year), early education place for up to two years before reaching compulsory school age (the term following their fifth birthday). The Government has invested over £21 billion on early years and childcare services since 1997.

## **Wales**

250. The Welsh Assembly Government has recently issued the guidance "Safeguarding Children: Working Together under the Children Act 2004" to all relevant agencies in Wales. It sets out how all agencies and professionals should work together to safeguard and promote children's welfare and protect them from harm. It is addressed to all statutory partners on Local Safeguarding Children Boards and others whose work brings them into contact with children and families. It is relevant to those working in the statutory, voluntary and independent sectors. The guidance deals with safeguarding children who may be particularly vulnerable and this includes protecting them from various forms of exploitation in a number of settings including:

- Children living away from home;
- Race and racism;
- Bullying;
- Children in foster care;
- Children in private fostering;
- Investigating organized or multiple abuse;
- Children in hospital;
- Children in custody;
- Abuse of disabled children;
- Abuse by children and young people;
- Domestic abuse;
- Sexual exploitation of children;
- Children of substance misusing parents;
- Children and families who go missing;



- Looked after children run away or go missing from their care placement;
- Children who go missing from education;
- Migrant children;
- Child victims of trafficking;
- Unaccompanied asylum seeking children;
- Female genital mutilation.

251. It is a priority of the Welsh Assembly Government to tackle domestic abuse. In pursuit of this, Welsh agencies and organisations have come together to pool their expertise and set out a strategy called ‘Good Practice on Domestic Abuse - Safeguarding Children and Young People in Wales’. The Strategy aims at protecting children and young people in Wales from the potentially devastating impact of domestic abuse. The Strategy also aims significantly to reduce the incidence of domestic abuse in the future via preventative work. Other goals of the Strategy are:

- To raise awareness about domestic abuse amongst school based staff and other persons who work with children and young people;
- To emphasize the need to identify and refer all children and young people who are suffering domestic abuse through established child protection procedures;
- To set out the specific steps that can be taken to assist children and young people who experience domestic abuse; the steps that can be taken to prevent domestic abuse, and also those to observe good practice;
- To provide references to further useful resources and help lines.

### **Article 11 - Right to an adequate standard of living**

#### **Progress since the fourth periodic report**

#### **United Kingdom**

#### **Water**

252. The UK considers that the effect of the word “including” in Article 11(1) of the ICESCR is that adequate food, clothing and housing are not the only elements of the right to an adequate standard of living, and that given the necessity of water for survival, the right to water is an additional element of that right. In the view of the UK, the right to water is not a free-standing right or a right in customary international law. Nor is it an element of the right to health, right to life or other rights in the ICESCR or in the ICCPR. The right does not include water for industry, recreation or transport. The right to water means that priority in allocation must be given to water for drinking, cooking and personal hygiene needs and that water has to be accessible (that is,

physically and economically accessible) to everyone without discrimination. The State should also give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right.

### **Water - England and Wales**

253. In England and Wales there has been a long standing duty on statutory water undertakers to maintain wholesome water supplies. The current law is the consolidated Water Industry Act 1991 which maintains this duty and confers on the Secretary of State and the National Assembly for Wales the power to make regulations to secure the wholesomeness of water supplies. "Wholesomeness" is defined by reference to the standards of European Community Directive 98/83/EC on the quality of water intended for human consumption ("Drinking Water Directive") and a number of national standards set out in regulations. The Water Supply (Water Quality) Regulations 2000 apply broadly to public water supplies in England. The Water Supply (Water Quality) Regulations 2001 apply broadly to public water supplies in Wales. These Regulations also require statutory water undertakers to collect samples and test them against the standards for each of the substances and organisms (known as parameters) in the regulations. Directive 98/83/EC came into force on 25 December 1998 and has replaced the previous Drinking Water Directive 80/778/EEC. Most drinking water standards had to be met by 25 December 2003. The exception is lead, for which an interim standard of 25 ug/l has applied from 25 December 2003 and a final standard of 10 ug/l will apply from 25 December 2013.

254. Since privatisation of the water industry there has been a high level of investment which has totalled more than £55 billion (between 1990 and 2004-05) of capital investment in water and wastewater services, on maintenance of assets, environmental improvements, securing supply and service improvements. This equates to an average annual capital investment in the water industry in excess of £3.7 billion for the last fifteen years, compared with an equivalent investment figure of £2 billion per year during the 1980s. Around £26.5 billion of the investment is directly attributable to the sewerage service and water quality improvements. Since expenditure often meets multiple objectives, it is not always possible to distinguish expenditure needed to meet individual European Directives. Drinking water quality has continued to improve year on year but 2004 was the first year of reporting against the new European and national drinking water standards. Drinking water quality is measured in zones containing no more than 100,000 consumers. A broad measure of overall compliance by water companies with the standards is achieved by calculating the mean zonal compliance % for forty parameters. As a whole the picture for England and Wales in 2005 was one of improvement from the baseline set in 2004. In 2005 99.96% of tests met the regulatory standards, compared to 99.94% in 2004. Each statutory water undertaker is required to maintain a public record of the quality of water it supplies which contains information about the action being taken in respect of any failures. These records are available to the public.

255. The "Drinking Water Inspectorate" was formed in 1990 and acts as the independent regulator of the quality and safety of drinking water supplied using the public distribution system owned by the principal statutory water companies in England and Wales. The powers and duties of the Inspectorate come from the Water Industry Act 1991. Its main role is to carry out rigorous independent checks throughout the year to ensure that the testing is done to a high standard of

quality control. The Chief Inspector of the Drinking Water Inspectorate publishes an annual report giving comprehensive details of the quality of water supplied by each water undertaker and a summary of the quality of water in England and Wales. The latest report for England and Wales, "Drinking Water 2005", was published in June 2006<sup>114</sup>.

256. The Water Industry Act 1999 removes the threat of disconnection from all domestic households, including those which have difficulty in paying their water bills. The Vulnerable Groups Regulations provide for a special tariff for people on low income who use high levels of water either because they have a large family or because they suffer from a specified medical condition.

### **Water - Northern Ireland**

257. Fundamental reforms in the delivery of water and sewerage services in Northern Ireland were introduced on 1 April 2007. A new legislative and regulatory framework has been established by the Water and Sewerage Services (Northern Ireland) Order 2006, with responsibility for the delivery of water and sewerage services passing from Central Government to a Government owned company. The Government-owned company, Northern Ireland Water. As statutory undertaker, NIW is placed under a duty to provide wholesome water supplies. The Government has power to make regulations for securing wholesomeness of public water supplies. The standards for wholesomeness are defined in the Water Supply (Water Quality)(Northern Ireland) Regulations 2007.

258. The new arrangements set out in the Water and Sewerage Services (Northern Ireland) Order 2006 provide the financial framework within which the recent step-change in the levels of capital investment in the water and sewerage infrastructure can be sustained into the future with the objective of reducing environmental pollution and further improving drinking water quality. The financial framework is based on the introduction of domestic water and sewerage charges, however, on 10 May the Northern Ireland Executive agreed not to introduce domestic charges in 2007/08 and to conduct a comprehensive review to address the approach that should be adopted to financing water and sewerage services. This review will include careful consideration of the Government's arrangements for assisting low-income consumers to be introduced alongside the new charges. Monitoring of water supplies in Northern Ireland shows that the quality of public water supplies is good and improving, but that further substantive programmes of work are required to bring drinking water quality up to the compliance level with the regulatory standards in the rest of the UK. These programmes of work to improve compliance are underway. For the five-year period between 2003/04 and 2007/08, some £1.1 billion of capital investment has been made available to upgrade the water and sewerage infrastructure.

259. 2004 was the first year of reporting against new European and national drinking water standards. Compliance in 2004 was 98.65% (Mean Zonal Compliance, the UK wide measure of regulatory compliance at the consumer's tap). Compliance in 2006 was 99.33% demonstrating the improvement in drinking water quality that has been achieved from the recent investment.

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<sup>114</sup> <http://www.dwi.gov.uk/pubs/annrep05/contents.shtm>.

By 2010 compliance with European Drinking Water Quality standards is projected to be 99.77%. As in the rest of the UK, the statutory water undertaker is required to maintain a public record of the quality of water it supplies.

260. The Drinking Water Inspectorate for Northern Ireland monitors and, under new powers available from 1 April 2007 in the Water and Sewerage Services (Northern Ireland) Order 2006, enforces the drinking water regulatory standards in respect of public water supplies on behalf of the Government. The Inspectorate publishes an annual report (the 2005 report was the tenth) giving comprehensive details of the drinking water quality in Northern Ireland.

261. The Water and Sewerage Services (Northern Ireland) Order 2006 does not permit disconnection from the public water supply of households on the basis of non-payment of water bills. Separate regulations, the Water and Sewerage Charges Scheme Regulations (Northern Ireland) 2007, provide assistance to qualifying low income households in paying their water bills by means of an “affordability tariff”.

### **Water - Scotland**

262. In Scotland the duties of statutory water undertakers to maintain wholesome water supplies are similar to those outlined for the rest of the UK. The current law is the Water (Scotland) Act 1980, as amended, which maintains the duty on Scottish Water, the public sector water company, to provide wholesome water supplies and gives the Scottish Ministers the power to make regulations for securing its wholesomeness. The standards for wholesomeness are defined in the Water Supply (Water Quality)(Scotland) Regulations 2001.

263. The monitoring of water supplies showed that the quality of drinking water was generally good, but that there were also many shortcomings particularly for smaller rural supplies. In order to achieve compliance, the former regional councils gave the Secretary of State legally binding Undertakings to carry out the necessary improvements. The three regional water authorities established in 1996 and subsequently merged into Scottish Water in 2002 took over these improvement programmes. Scottish Ministers have subsequently extended them to ensure that they include all the requirements of the new Drinking Water Directive. Further improvements to water treatment processes and distribution systems are significant and ongoing. From 2002-2006 Scottish Water invested £1.8 billion to modernise the infrastructure to provide improved drinking water quality and environmental discharge standards, and better customer service standards. For 2006-10 Scottish Ministers have set objectives for Scottish Water to further improve on all of these standards, and to remove constraints on development and to reduce leakage.

264. As a result of this increased investment, drinking water quality has improved considerably since the initial water quality regulations were introduced in 1990. In 2005, 99.56 per cent of over 153,000 tests carried out on samples taken from consumers’ taps met the standards with 669 tests failing to meet the required standard. This compares with 1991 when 98.02 per cent of around 227,000 tests met the standards with 4,490 tests failing. In all cases where a failure occurred which was considered to be a risk to health, emergency measures were implemented to protect public health. The statutory water undertaker is required to maintain a public record of the quality of water it supplies which contains information about the action being taken in respect of any failures. These records are available to the public.

265. The Drinking Water Quality Regulator for Scotland (DWQR) monitors and enforces the standards set in the Regulations on behalf of Scottish Ministers. The DWQR's main function is to audit and inspect Scottish Water to check that it is complying with the Water Supply (Water Quality)(Scotland) Regulations 2001 and other regulatory provisions and to require it to make improvements when there has been a failure to comply. The DWQR publishes an annual report giving comprehensive details of the quality of drinking water in Scotland.

266. The Water (Scotland) Act 1980 does not permit disconnection from households which have difficulty in paying their water bills.

### **Food - England**

267. Following the 2001 foot and mouth crisis, the Government set up an independent Policy Commission on the Future of Farming and Food, led by Sir Don Curry. In 2002, the Government set out its *Strategy for Sustainable Farming and Food*<sup>115</sup> taking on board the Commission's report as well as the outcome of a wide consultation. The strategy identified the following key principles:

- Produce safe, healthy products in response to market demands, and ensure that all consumers have access to nutritious food, and to accurate information about food products;
- Support the viability and diversity of rural and urban economies and communities;
- Enable viable livelihoods to be made from sustainable land management, both through the market and through payments for public benefits;
- Respect and operate within the biological limits of natural resources (especially soil, water and biodiversity);
- Achieve consistently high standards of environmental performance by reducing energy consumption, by minimizing resource inputs, and use renewable energy wherever possible;
- Ensure a safe and hygienic working environment and high social welfare and training for all employees involved in the food chain;
- Achieve consistently high standards of animal health and welfare;
- Sustain the resource available for growing food and supplying other public benefits over time, except where alternative land uses are essential to meet other needs of society.

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<sup>115</sup> <http://www.defra.gov.uk/farm/policy/sustain/pdf/sffs.pdf>.

268. The Government set aside a budget of £500 million for various initiatives:

- A new entry-level agri-environment scheme. The Government’s aim is for all farmers to have access to a scheme which will pay them to farm in a more sustainable way;
- A new ‘whole farm approach’. This is aimed at reducing unnecessary bureaucracy by cutting the number of inspections and the amount of red tape and making more information available to help planning the farming business;
- Funding for the Agricultural Development Scheme and regional branding. The aim is to help farmers gain a fair and better reward for their products and make consumers more aware of and interested in the origin of their food. Small regional producers are encouraged to develop new and niche markets through the support of “Food from Britain”, complementing Regional Development Agencies;
- More funding for skills and training, encouraging young people to enter the industry;
- Improving animal health and combating diseases. A separate animal health and welfare strategy was developed in response to the Foot and Mouth Disease Inquiries. The Government is also combating the threat of illegal meat imports and strengthening its emergency preparations, investing in livestock identification initiatives to improve animal health across the industry.

269. The Government is monitoring the implementation of the strategy through various indicators:

- Economic sustainability: greater value added per head; higher productivity of food and drink processing; lower production-related CAP<sup>116</sup> subsidies from consumers and taxpayers;
- Environmental sustainability: reduced greenhouse gas emissions from food and farming; improved river water quality; improved soil nutrient status; favourable condition of designated wildlife sites; reverse decline in farmland birds;
- Social sustainability: consumption of fresh fruit and vegetables; improved time taken to clear up cases of farmland and transportation animal welfare cases; reduced gap in productivity between the less well performing quartile of rural areas and the English median by 2006, and improved accessibility of services for rural people.

270. The initial results were encouraging for the Government: more than 25,000 farmers are in existing Government environmental schemes; more than 400 farmers’ markets are offering producers the opportunity to sell direct to their markets; over 78,000 farmers and growers are

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<sup>116</sup> Common Agricultural Policy (European Community).

already members of farm assurance schemes with their produce branded under logos such as the Little Red Tractor; co-operative projects are starting to flourish, many aided by Government grants under schemes such as the Rural Enterprise Scheme and the Processing and Marketing Grant (new funds are being made available under the Agricultural Development Scheme); there are now many more farmers who are producing for niche, value added, markets (for example, there are more than 2,500 organic farmers in England, many earning premiums for their produce and using innovative marketing). In July 2006, a review on the implementation of the Strategy<sup>117</sup> confirmed the success of the Government's approach and identified the challenges ahead. UK productivity in agriculture rose since 2001 from 96.9 (with the year 2000 as 100) to an estimated 106.9 in 2006<sup>118</sup>.

271. In March 2005, the Government launched a *Sustainable Development Strategy*<sup>119</sup> focusing on sustainable consumption and production, climate change, natural resource protection and sustainable communities. The Strategy took account of developments since the 1999 Strategy, both domestically and internationally; the changed structure of government in the UK with devolution to Scotland, Wales and Northern Ireland, and greater emphasis on delivery at regional level and the new relationship between government and local authorities. The Strategy also highlighted the renewed international push for sustainable development from the World Summit on Sustainable Development in Johannesburg in 2002. In March 2007, the Government launched the *Sustainable Procurement Action Plan*<sup>120</sup> to ensure that supply chains and public services will be increasingly low carbon, low waste and water efficient, respect diversity and deliver wider sustainable development goals. The Plan will be crucial to achieving the Government's operations targets, which will deliver around 1 million tonnes of carbon dioxide savings by 2020.

272. The Devolved Administrations are also engaged on sustainable development strategies: *Meeting the needs ... priorities, actions and targets for sustainable development*<sup>121</sup> (2002) in Scotland, *Sustainable development Action Plan* (2004) in Wales, *First Steps Towards Sustainability*<sup>122</sup> (2006) in Northern Ireland.

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<sup>117</sup> <http://www.defra.gov.uk/farm/policy/sustain/implement/pdf/ig-finalreport-060718.pdf>.

<sup>118</sup> <http://statistics.defra.gov.uk/esg/publications/auk/2006/table10-1.xls>.

<sup>119</sup> <http://www.sustainable-development.gov.uk/publications/uk-strategy/index.htm>.

<sup>120</sup> <http://www.sustainable-development.gov.uk/publications/pdf/SustainableProcurementActionPlan.pdf>.

<sup>121</sup> <http://www.scotland.gov.uk/Resource/Doc/46905/0030403.pdf>.

<sup>122</sup> <http://www.ofmdfmmi.gov.uk/sustain-develop.pdf>.

### **The Food Standard Agency**

273. The Agency was established in 2000 following the Food Standards Act 1999 and is an independent Government department, governed by a Board appointed to act in the public interest and put consumers first. Since its establishment the Agency has protected consumers and their interests by:

- Securing an 18% reduction in foodborne illness (any illness resulting from the consumption of food);
- Establishing the evidence linking salt and health and, in collaboration with UK health departments, encouraging food industry action to help reduce salt intake and raising consumer awareness of the evidence;
- Producing an action plan to set targets and timetables for improving the balance of children’s diets and their health after securing and evaluating the evidence;
- Completing three major reviews of BSE (“mad cow disease”) controls to protect consumers by taking account of the latest knowledge and uncertainties. At the peak of the BSE epidemic, there were over 37,000 new cases in cattle per year. In 2003, this had fallen to less than 600 cases and the number is expected to fall further;
- Dealing with over 2800 incidents since 2000 with the potential to affect food safety, taking action where necessary to protect consumers;
- Providing authoritative information via campaigns, the media, and the web site [www.food.gov.uk](http://www.food.gov.uk);
- Delivering a significant improvement in local authority and port health authority enforcement of imported food controls;
- Exposing labelling frauds (through surveys to check whether food is as described on the label) and establishing a task force to help local authorities tackle meat scams;
- Completing and publishing 236 audit reports of food law enforcement by local authorities throughout the UK.

274. The Agency also protected consumers through its offices in Scotland, Wales and Northern Ireland by, for example:

- Launching the Eat Safe Award Scheme in Northern Ireland in June 2003. Businesses must achieve high standards of food hygiene to win an award;
- Sponsoring together with the Food Safety Promotion Board the Northern Ireland “Decent Food for All” initiative organized by Armagh and Dungannon Health Action Zone. This initiative is committed to addressing food poverty issues;



- Setting targets for improving the diet of Welsh people (Food and Wellbeing) and overseeing an action plan to achieve them;
- Launching, together with Welsh local authorities the Welsh Food Hygiene Award;
- Supporting national initiatives in Scotland to reinforce key food hygiene messages and implement the recommendations of the Scottish Executive’s Action Plan<sup>123</sup>;
- Providing factual information for the Scottish “healthyliving” campaign.

275. The Agency’s strategic goals for the period 2005-2010<sup>124</sup> are:

- To continue to reduce foodborne illness;
- To reduce further the risks to consumers from chemical contamination including radiological contamination of food;
- To make it easier for all consumers to choose a healthy diet, and thereby improve quality of life by reducing diet-related disease;
- To enable consumers to make informed choices.

276. The Agency’s total budget for the period 2007-2008<sup>125</sup> is £166 million, of which £104 million will be spent in strategic programmes as follows: £47 million (45%) on food safety, £35 million (34%) on the Meat Hygiene Service, £16 million (15%) on promoting healthier diets and reduce diet-related diseases, and £6 million (6%) on improving information for consumers enabling them to make informed choices.

### **Food - Wales**

277. Health in Wales compares poorly with that in many other European countries, and is consistently worse than in England. There are also substantial inequalities in health between different communities in Wales, with death rates being highest in those areas experiencing the highest levels of social and economic deprivation. To try and address these issues the Welsh Assembly Government and the Food Standards Agency Wales produced the strategy ‘Food and Well Being’. Whilst this strategy is intended to improve nutrition across all sectors of the Welsh population, specific consideration of the problems experienced by those on low income in accessing a healthy balanced diet is vital. Food poverty has been defined as the inability to afford, or have reasonable access to food which provides a healthy diet.

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<sup>123</sup> <http://www.scotland.gov.uk/Topics/Health/health/19133/17710>.

<sup>124</sup> <http://www.food.gov.uk/multimedia/pdfs/stratplan0510.pdf>.

<sup>125</sup> [http://www.food.gov.uk/multimedia/pdfs/corporateplan2007\\_10.pdf](http://www.food.gov.uk/multimedia/pdfs/corporateplan2007_10.pdf).

278. Whilst the link between nutritional status and low income is well established, food poverty extends beyond economic aspects to include issues such as access, ethnicity and education. Typically, those experiencing food poverty may have limited money for food after paying for other household expenses, live in areas where food choice is restricted by local availability and transport to larger supermarkets, or be lacking in the knowledge, skills or cooking equipment necessary to prepare healthy meals. Two main levels of priority have been identified, with the first tier recognised as needing the most attention. The justification for selection of each of these identified priority groups is described below.

279. Level One Priority Groups:

- Low income and other vulnerable consumers. Those who suffer social and economic disadvantage are clearly of prime concern. Disadvantaged groups have been shown to have lower consumption of certain recommended foods such as fruit and vegetables, which have an important effect on prevention of many disorders and some types of cancer. These groups also have a higher incidence of these major diseases. Included here are BME groups who generally experience poorer socio-economic conditions and higher rates of premature death and illness than the white majority. The vulnerable elderly, many of whom suffer from limiting, longstanding illness and are on low income, also fall within this group;
- Infants, children and young people. Nutrition in infants and children appears to affect health in later life, while breastfed infants appear to have improved immune function compared to non-breastfed infants. Research indicates that the diets of young people in Wales are inadequate, with low intakes of fruit and vegetables, high intakes of snacks (mainly high fat, sugar and salt) and low consumption of breakfast. In addition, vitamin and mineral deficiencies are common in certain sub-groups. Boys tend to have poorer dietary intakes than girls. Further, healthy eating habits established at an early age may be maintained in the long-term.

280. Level Two Priority Groups:

- Women of childbearing age, particularly pregnant women. Antenatal nutrition has been shown to affect health in infants, and appears to play a role in future adult health. For example, folate intake and neural tube defects, low birth-weight and immune deficiency and high birth-weight and obesity in adulthood. A good nutritional status in women of childbearing age would ensure optimum antenatal nutrition. Pregnant women are a productive target group because of their high interest in nutrition;
- Men, particularly middle-aged men. Men have poorer dietary intakes compared to women, including lower intakes of fruit and vegetables. Middle-aged men are at high risk of coronary heart disease and have poorer nutrition compared to their younger counterparts. Middle-aged men are also a captive audience due to their higher perceived risk.

281. The Welsh Assembly Government has produced a wide range of guidance to schools regarding nutrition and healthy living for their pupils across the entire compulsory education

spectrum. Two recent Welsh Assembly Government documents “The Food & Fitness Implementation Plan” and “Appetite for Life” recognised the need to support schools as they play their part in delivering this priority. The guidance is wide ranging. The Welsh Assembly Government has produced advice and guidance on setting up ‘fruit tuck shops’ in primary schools that can be run by teachers, parents, pupils or a combination as is deemed suitable on a school by school basis. Guidance has also been issued that provides advice on vending machines in schools, and also on the provision of water coolers and water bottles. Guidance to parents has also been produced (“Healthier Lunchboxes, Healthier Children”). This guidance provides advice on providing lunchboxes for children, so that they are nutritionally balanced.

282. The Welsh Assembly Government has also introduced a free school breakfast scheme for all primary schools. This initiative is intended to help improve the health and concentration of pupils, to assist in the raising of standards of learning and attainment. It involves parents but is not intended to replace breakfast already provided. It will allow all those that, for whatever reason, have not had breakfast, to have one in school. Restricting the initiative to Primary Schools is principally intended to ensure not only that our youngest children are given a flying start in life, but also to ensure that the increasing practice of skipping breakfast is stemmed at the earliest possible age. The initiative complements work already being done on healthy eating and nutrition through the Welsh Network of Healthy School Schemes.

## **Housing - England**

### **Policy**

283. In February 2003, the Government launched the *Sustainable Communities Plan*<sup>126</sup> and set out a long-term programme of action for delivering sustainable communities in both urban and rural areas. The Plan aimed at tackling housing supply issues in the South East of England, low demand in other parts of the country, bring all social housing up to decent homes standards by 2010, protect the countryside and improve the quality of public spaces. The total budget allocated to the programme was £38 billion.

284. The Housing Act 2004 (which came into effect on 18 January 2005) is a key piece of legislation, containing wide-ranging measures of reform that will help to protect the most vulnerable in society while creating a fairer housing market for all those who own, rent or let residential property. It also strengthens the Government’s drive to meet its 2010 decent homes target of ensuring that all social housing meets standards of decency by 2010. The main provisions of the Act are:

- New “Housing Health and Safety Rating System” (HHSRS)<sup>127</sup> to replace the current housing fitness standard. This will help local authorities target the worst-condition properties, often housing some of the most vulnerable people;

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<sup>126</sup> <http://www.neighbourhood.gov.uk/page.asp?id=633>.

<sup>127</sup> <http://www.communities.gov.uk/index.asp?id=1152820>.

- “Licensing of Houses in Multiple Occupation” (HMOs)<sup>128</sup> with mandatory licensing for larger, higher-risk HMOs and discretionary powers to license smaller, multiple-occupied properties;
- Enabling local authorities to selectively licence privately rented properties in designated areas suffering from low housing demand and/or significant and persistent anti-social behaviour;
- Local authority’s duties and powers to make management orders;
- The introduction of *Home Information Packs*<sup>129</sup> to bring together, at the start of the home buying and selling process, important information (such as a home condition report) which, at present, is collected piecemeal in the period after an offer to buy has been accepted;
- Changes to the “Right to Buy Scheme” to tackle profiteering. First introduced in 1980, the “Right to Buy Scheme” is aimed at secure tenants of local authorities (Councils) and those assured tenants of registered social landlords/housing associations who previously held secure tenancies with local authorities. It is open to virtually any secure tenant who can afford to buy. Tenants must have at least two years tenancy with a public sector body (or five years in the case of new public sector tenants who took up their tenancies after 18 January 2005). Some properties are exempt from the “Right to Buy”. These include dwellings occupied in connection with a tenant’s employment, and housing specially provided for older people and (in certain cases) people with disabilities;
- Introducing new safeguards on park homes. Park homes are mobile homes used for residential purposes. They vary in size and condition greatly, some park homes resemble bungalows, others are closer in appearance to traditional caravans. Park home sites also vary in size and quality, from small parks, with a handful of mobile homes, to large parks with shopping and leisure facilities. The Act introduced new measures such as: where a homeowner sells his home, the park owner must not unreasonably withhold approval of a prospective homeowner; the age of a home as a criterion for ending an agreement is no longer relevant; the protection of park homeowners from unlawful eviction and harassment is increased;
- Increasing the effectiveness of powers to regulate registered social landlords;
- Provision for the Housing Corporation and National Assembly for Wales to pay grants to companies that are not registered social landlords;

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<sup>128</sup> <http://www.communities.gov.uk/index.asp?id=1151996>.

<sup>129</sup> <http://www.communities.gov.uk/index.asp?id=1150984>.

- Enabling local authorities to tackle anti-social behaviour by: extending an introductory tenancy beyond a 12-month period; refusing a mutual exchange application because of anti-social behaviour; and preventing a tenant completing a “Right to Buy” purchase on anti-social behaviour grounds;
- Enabling local authorities to apply for an “Interim Empty Dwelling Management Order” (“interim EDMO”) where a dwelling has been vacant (for at least 6 months) long-term;
- Provisions to ensure that where landlords, or their agents, require tenancy deposits, those deposits will be safeguarded by a scheme sponsored by the Government;
- Allows a Residential Property Tribunal to impose a “Rent Repayment Order” (RRO - a financial penalty) upon a landlord who, without reasonable excuse, manages or lets a property which ought to be licensed under Part 2 or 3 of the Act and is not licensed;
- Provisions to require district councils to assess the accommodation needs of Gypsies and travellers in their area, and to produce a strategy detailing how these needs can be met;
- A provision to update by order, the statutory overcrowding provisions;
- Extending disabled facilities grant to all those occupying caravans as their only or main residence;
- Establishing a “Social Housing Ombudsman for Wales” to investigate complaints against social landlords in Wales.

285. In January 2005, the Government launched two parallel strategies building on the success of 2003 Sustainable Communities Plan: the *Sustainable Communities: Homes for All*<sup>130</sup> and the *Sustainable Communities: People, Places and Prosperity*<sup>131</sup>. *Sustainable Communities: Homes for All* was launched on 24 January 2005 and sets out the action the Government will take over the next five years to offer everyone the opportunity of a decent home at a price they can afford - providing more homes where they are needed whilst enhancing the environment, and revitalising communities suffering from abandoned housing and deprivation. It will also offer more opportunities for home ownership, better housing and services for those who rent, and secure housing for the homeless. *Sustainable Communities: People, Places and Prosperity* was launched on 31 January 2005 and sets out action to revitalise neighbourhoods, strengthen local leadership, and increase regional prosperity to create places in which people want to live and work. Together, these documents form the next stage of the Government £38 billion long-term action programme to create sustainable communities.

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<sup>130</sup> [http://www.communities.gov.uk/pub/488/SustainableCommunitiesHomesforAll\\_id1500488.pdf](http://www.communities.gov.uk/pub/488/SustainableCommunitiesHomesforAll_id1500488.pdf).

<sup>131</sup> [http://www.communities.gov.uk/pub/490/SustainableCommunitiesPeoplePlacesandProsperity\\_id1500490.pdf](http://www.communities.gov.uk/pub/490/SustainableCommunitiesPeoplePlacesandProsperity_id1500490.pdf).

## Statistical data

286. Information on English local authorities' activities under homelessness legislation is collected quarterly, and includes all those households who were accepted as eligible for assistance, unintentionally homeless and in priority need. These households are owed a main homelessness duty - to have suitable accommodation provided for them - and are referred to as homeless acceptances. In 2006, 76,860 households were accepted by local authorities as being eligible for assistance, unintentionally homeless, in priority need, and therefore owed a main homelessness duty. This number has fallen by 43% since the recent peak in 2003. In 2006, two thirds (51,060) of the households accepted were in priority need through including either dependent children of an expectant mother.

287. If a settled home is not immediately available, the local authority may secure temporary accommodation until a settled home becomes available. At the end of 2006, 89,510 households were in temporary accommodation - a figure which has now been falling for five consecutive quarters (before which it had been stable at 101,000). 87% of the households were in self-contained properties. The number of families with dependent children or an expectant mother in temporary accommodation fell to 65,770 by the end of 2006. Of these, 93% were in self-contained properties<sup>132</sup>.

288. The Government also produces estimates on the number of people who sleep rough - those who are literally roofless on a single night. The latest national estimate, based on street counts and local authority estimates, and published in September 2006, showed a 73 per cent reduction in the number of people sleeping rough on a single night, from 1,850 in 1998 to 502 in 2006<sup>133</sup>.

289. The latest available information in relation to adequate housing is based on the Fitness Standard - a statutory minimum standard that was replaced in April 2006 by the "Housing Health and Safety Rating System". The Fitness Standard assessed homes on the basis of a range of criteria that include: disrepair, structural stability, dampness, lighting, heating and ventilation, hot and cold water supply, drainage, WC bath/shower and wash hand basin, facilities for food preparation, and fire precautions. At April 2005 (the latest data available), there were 735,000 households (3.5% of all households) living in unfit conditions based on this standard. These households comprised 1.8 million people (3.5% of all). Information on the Housing Health and Safety Rating System will be available with 2006 figures from the *English House Condition Survey*<sup>134</sup>.

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<sup>132</sup> More detailed information is available in the Government's quarterly statistical release on Statutory Homelessness, available online: [http://www.communities.gov.uk/pub/694/Statutory\\_homelessness4thquarter2006EnglandPDFversionofthewholereleasePDFStatutod\\_id1508694.pdf](http://www.communities.gov.uk/pub/694/Statutory_homelessness4thquarter2006EnglandPDFversionofthewholereleasePDFStatutod_id1508694.pdf).

<sup>133</sup> <http://www.communities.gov.uk/index.asp?id=1150131>.

<sup>134</sup> <http://www.communities.gov.uk/index.asp?id=1155269>.

290. Based on data from the most recent three years of the Survey of English Housing (2003/4 to 2005/6) it is estimated that an average of 2.4m people were living in overcrowded conditions, of whom 893,000 were children under 16. 2.4m people represents 4.9 percent of the entire population of England; 893,000 children represent 9.2 per cent of the population of under 16s. Further, it is estimated that an average 526,000 households were overcrowded during the past three years - about 2.5 per cent of all households in England. Of these overcrowded households, 202 thousand were owner occupied, 216 were in the social rented sector and 109,000 were in the private rented sector<sup>135</sup>.

291. The Government collects information from local authorities in January and July of each year on the number of Gypsies and traveller caravans found in England. It records the number of caravans on unauthorised developments of land without planning permission (where the land is owned by the occupiers), and unauthorised encampments (on the roadside and on private land where the occupiers do not have permission to remain). The number of individuals in such accommodation is not recorded; however the number of caravans found as at 19 July 2006, the last date for which published information is available, was as follows: 2,234 caravans on unauthorised developments of land without planning permission, 1,767 caravans on encampments<sup>136</sup>.

292. In 2005/06 there were 12,841 evictions (made on all grounds) of Registered Social Landlord tenants. Local authority landlords in England started to submit data of tenants subject to possession proceedings for 2005/06. While data has been returned it is not considered to be of reliable quality in this first year of data collection. The Government is not aware of any data collected for the private rented sector, or for those lacking legal protection against eviction.

293. As at 1 April 2006, there were 1.63m households (rather than people) on the waiting list for social housing in England. Local authorities report summary information about their housing waiting list annually as part of the Housing Strategy Statistical Appendix (HSSA) returns<sup>137</sup>. Waiting list figures refer to new applicants for social housing and not existing social housing tenants requesting a transfer. Where the local authority maintains a common waiting list with Registered Social Landlords (RSLs) in their district, the list will also include households placed on the list by RSLs.

294. Investment in all housing by the Government has more than doubled between 1997/8 and 2007/08. In 1997/98 total investment was £1.9bn and in 2007/08 it is expected to be £5.6bn. This covers all housing programmes including funding to the Housing Corporation and to local authorities. Investment in affordable housing through the Housing Corporation has also doubled. In 1997/98 it was £0.9bn and it is estimated to be around £2bn in 2007/08. This includes spend on social rented and low cost home ownership. Between 1997 and 2006, the Government

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<sup>135</sup> <http://www.communities.gov.uk/index.asp?id=1154759>.

<sup>136</sup> <http://www.communities.gov.uk/index.asp?id=1153575>.

<sup>137</sup> <http://www.communities.gov.uk/index.asp?id=1504954>.

supported the creation of over 300,000 new affordable homes. These new homes include both newly built housing, and those acquired and refurbished, on track to deliver 30,000 social rented homes a year by 2008, that is a 50% increase on 2004-05 levels. The Government expects the Housing Corporation to provide 28,000 homes to contribute towards this target.

### **Housing - Wales**

295. The first National Housing Strategy “Better Homes for People in Wales” published in 2001, has continued to evolve to meet changing housing market conditions and is being taken forward via its Action Plan. A key priority of the strategy is housing quality. The development of the Welsh Housing Quality Standard (WHQS) for the social housing sector with a target that all social housing in Wales must meet by 2012 is one of the principle drivers for improvement in this field. This has involved a wholesale appraisal of local authority stock and whether WHQS can be achieved within individual local authorities’ current resources. For full WHQS to be achieved an investment of approximately £3billion (including infrastructure) has been projected as being required. The principal option for Local Authorities unable to fund the necessary improvement works is to transfer their housing stock to a new Registered Social Landlord (RSL), with the Community Mutual model being the preferred Assembly option. For the private sector, the drive to improve housing conditions has been galvanised by the provisions of the Regulatory Reform Order 2002 and the designation of renewal areas and group repair schemes undertaken with grant assistance. A selective review of Better Homes was authorised through a re-examination of key housing issues including housing quality/WHQS as recently as November 2006. This examination took place as part of the ongoing update of the National Housing Strategy Action Plan and ensured that policy interventions were being maximised to deal with the priority housing issues like quality and affordability.

### **Article 12 -Right to health**

#### **Protection under other international instruments ratified by the UK**

- European Social Charter (1961).

#### **Progress since the fourth periodic report**

##### **United Kingdom**

##### **England**

##### **Policy**

296. The National Health Service (NHS) was set up in 1948 and is now the largest organisation in Europe built upon the founding principle of the provision of quality care that meets the needs of everyone, is free at the point of need and is based on a patient’s clinical need not their ability to pay. In 2004, the Government confirmed the five-year settlement for the NHS announced in its 2002 Budget. NHS funding will increase by an average of 7.1 per cent a year over and above inflation for the three-year period of the 2004 spending review (2005-06 to 2007-08). This will take NHS expenditure from £69.3 billion in 2004-05 to £92 billion in 2007-08.



297. Over the last seven years the Government introduced a range of measures to strengthen the voice of patients and the public in the NHS. There is a new duty on NHS organisations to involve and consult patients and the public - section 11 of the Health and Social Care Act 2001, and patient-led structures to strengthen the voice of local patients. "Section 11" places a duty on Primary Care Trusts to ensure that patients, the public, and their representatives, are involved in the planning of the provision of services and in the design of developments to improve services, and also consulted on decisions affecting the operation of services. The Government also introduced formal mechanisms for patients and the public to monitor, review and comment upon primary health care services. These activities are currently undertaken by patients forums, statutory patient-led bodies with powers to visit and inspect premises and to make reports and recommendations on how services can be improved. In 2008, patients forums are expected to be abolished and replaced by Local Involvement Networks which will have similar powers but a much wider remit including social care as well as health.

298. In June 2004, the Department published *The NHS Improvement Plan – Putting People at the Heart of Public Services*<sup>138</sup>. This document set out the priorities for the NHS up to 2008. It supports the ongoing commitment to the ten-year reform process first set out in the 2000 NHS Plan. The NHS Improvement Plan is aimed at improving the health service by 2008 through dramatic reductions in waiting times, increased choice for patients, more focus on the treatment of patients with chronic illness and prevention of disease and the tackling of ill health through public health interventions. The NHS Improvement Plan also sets out how these services will be delivered by the NHS. For example, through NHS foundation trusts, independent and NHS treatment centres, and new ways of meeting patient needs in primary care. There will also be increases in NHS staffing coupled with new ways of working to meet patients' needs and investment in state-of-the-art information systems to allow patients to choose more convenient and higher quality personal care. This will all be supported by a system of financial incentives and performance management that will drive the delivery of the new commitments whilst continuing to hand money, control and responsibility to local health services.

299. In support of the NHS Improvement Plan the Government published *Creating a Patient-led NHS – Delivering the NHS Improvement Plan*<sup>139</sup> on 17 March 2005. The ambition over the next few years is to deliver a profound change to the NHS - to change the whole system so that there is more choice, more personalised care, real empowerment of people to improve their health - a fundamental change in the relationship with patients and the public. The plan is to move from a service that does things to and for its patients to one that is patient-led, to deliver a service that works with patients to support them with their health needs. Every aspect of the new system is designed to be patient-led through:

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<sup>138</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4084476](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4084476).

<sup>139</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4106506](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4106506).

- A greater range of choices and range of information to help make those choices;
- Stronger standards and safeguards for patients;
- NHS organizations being better at understanding patients and their needs, using new and different methods to do so and having better and more regular sources of information about preferences and satisfaction.

300. More recently, the Government published the document *Health Reform in England: Update and Next Steps*<sup>140</sup> on 13 December 2005. The document describes the elements of reforms to the healthcare system and how they are expected to interact, resulting in better patient services and value for taxpayers' money. It sets out a framework for reform and explains how the reforms are intended to be mutually reinforcing, re-states the rationale for reform, summarizes the initiatives already announced, and, lays out a programme of further policy development for 2006.

301. In 2005, the Department also conducted two consultations: *Independence, Well-being and Choice*<sup>141</sup> and *Your Health, Your Care, Your Say*<sup>142</sup>. The main outcome of the consultations was that people wanted to see change that put them more in control. They also called for a consistent quality of services around the country and more "joined up" care to support them in their everyday lives, closer to their homes. The consultations have formed the basis of the new White Paper: *Our Health, Our Care, Our Say: A New Direction for Community Services*<sup>143</sup>. This White Paper was published on 30 January 2006 and proposes actions to give people better access to services and greater control over their own health. It promises "radical and sustained shift" in the way resources are used and sets out to address future challenges with a new emphasis on preventative care to help people enjoy good health as they live longer.

### **The Government targets**

302. The (England) national Public Service Agreement health inequalities target is by 2010 to reduce inequalities in health outcomes by 10% as measured by infant mortality and life expectancy at birth. The Government is also aiming to reduce by 2010 by at least 10% the gap between the fifth of areas with the worst health and deprivation indicators and the population

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<sup>140</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4124723](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4124723).

<sup>141</sup> [http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Socialcare/Aboutsocialcare/DH\\_4106483](http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Socialcare/Aboutsocialcare/DH_4106483).

<sup>142</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4127357](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4127357).

<sup>143</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4127453](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4127453).

as a whole. A national health inequalities strategy for England (*Tackling Health Inequalities: A Programme for Action*<sup>144</sup> (2003)) was published to support the target and work towards a long-term sustainable reduction in health inequalities. The strategy aimed at improving the health of the poorest 30-40 per cent of the population where the greatest burden of disease exists.

303. It was this approach which led to the establishment of “spearhead areas” covering 70 local areas with the worst health and deprivation indicators, or around 28% of the population. These spearhead areas have been the focus of extra effort. For example, the Choosing Health (2004) White Paper rolled out programmes, such as the health trainer programme, to these areas first. Other NHS interventions, such as on cardio-vascular disease and stroke, have been identified as most likely to contribute to the target. Health inequalities have been identified as a priority for both the NHS and local authorities. The “Programme for Action” also identified a number of vulnerable groups for specific community support. These groups include BME communities who are more likely to live in the poorest local areas, older people, mentally ill people, homeless people, prisoners and asylum seekers and refugees. Action in spearhead areas has also supported these groups.

304. Progress against the target is reported annually. While life expectancy has continued to improve for England as a whole, it has improved more slowly in the spearhead groups. The latest Status Report provides detail on the current position. It shows that for male life expectancy, the relative gap is 1% wider than at the baseline 1995-97. For female life expectancy the gap is 8% wider than at baseline<sup>145</sup>. Health inequalities remain stubborn, persistent and difficult to change. There have, however, been some improvements in the wider, social determinants of health inequalities, notably in relation to the reduction in child poverty and improvements in housing. The life expectancy element of the target has recently been reviewed. This review concluded that although the gap is wider than at baseline, the target is achievable - and that the majority of spearhead areas are on-track, or partially on-track, to meet the target. 60% of the 70 local spearhead areas are on track to narrow their own life expectancy gap in line with the 2010 target, compared to the baseline of 1995-97.

305. The Government has recently published a report on the review of the health inequalities infant mortality target to help focus action on the issue (*Review of the Health Inequalities Infant Mortality PSA Target (2007)*<sup>146</sup>). This report explores the data around infant mortality, models the interventions most likely to have an impact on the target. These interventions include reducing teenage pregnancy, smoking in pregnancy, obesity and sudden and unexpected deaths in infancy among the target group. It also highlights the importance of early pre-natal booking.

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<sup>144</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4008268](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008268).

<sup>145</sup> Status Report on the Programme for Action - 2006 Update of Headline Indicators (2006).

<sup>146</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_065544](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_065544).

The report makes recommendations to sharpen local delivery of the target and has identified 43 local areas with the highest numbers of infant deaths in the target group. These areas will be the focus for action in the implementation plan on reducing health inequalities in infant mortality to be published later in the year.

### **Primary Care Trusts**

306. Primary Care Trusts (PCTs) are now at the centre of the NHS and control 80 per cent of the total NHS budget. Because they are local organisations, they are in the best position to understand the needs of their communities. PCTs are responsible for: Assessing the health needs of all the people in their local area and developing an insight into the needs of their local community. Commissioning the right services, for instance from General Practitioners (GP) practices, hospitals and dentists, to meet these needs:

- Improving the overall health of their local communities;
- Ensuring these services can be accessed by everyone who needs them;
- Listening to patients' views on services and acting on them;
- Making sure that the organizations providing these services, including social care organizations, are working together effectively;
- Carrying out an annual assessment of GP practices in their area.

307. PCTs have been in place since April 2002 and report directly to their local Strategic Health Authority. As well as buying and monitoring services, they also play a crucial role in supporting NHS organisations. They help local GP practices, NHS Trusts and other parts of the NHS think more innovatively about how they deliver better, more convenient care to their local patient communities.

### **Immunisation**

308. It is every child's right to be protected against infectious disease. No child should be denied immunisation without serious thought as to the consequences, both for the individual child and for the community. Improving immunisation for all and reducing inequalities in uptake remain a Department of Health priority. The White Paper, *Our Health, Our Care, Our Say*, re-affirmed the Government's commitment to improve immunisation services for all - set against the trends that relate to deprived and disadvantaged groups and communities. In developing and maintaining its successful immunisation programme, the UK ensures that:

- Vaccination policy is based on the best available scientific and medical evidence;
- The NHS has the support required to implement immunization programmes effectively;
- Information materials for parents and health professionals are clear, evidence-based, and meet the needs of the target audience.

309. In the long term the UK aims to achieve immunisation rates of 95% (or higher) for all routine childhood vaccinations and high immunisation rates of non-routine vaccination for at-risk children.

Completed primary immunisations at 24 months (July-September 2006)				
DTPol3 (Pertussis)	P3 (Polio)	Hib3 (Haemophilus Influenza)	MenC (Meningitis C)	MMR1 (Measles, Mumps and Rubella)
94.5%	94.5%	94.3%	94.0%	85.9%

310. All of the population has access to trained personnel for the treatment of common diseases and injuries. Even if someone is not registered with a GP, like travellers or asylum seekers, they can go to an Accidents and Emergency (A&E) or a Walk-in Centre, and if it concerns an infant and is necessary, they will be seen by a paediatrician. Also, free dental care is given to all children in the UK. It is also a legal requirement that a midwife or a doctor attend a birth for all women. The midwife will be present throughout the birth and remain accountable for all the midwifery care provided during labour and birth.

311. The UK also has a comprehensive surveillance system in place for identifying infectious disease events and trends, and the NHS together with the Health Protection Agency, established in 2004, have strategies for managing and controlling disease.

### **Older people**

312. NHS services are provided free of charge and so people, including older people, are not directly affected by the rising costs of health. The Government has also taken steps to ensure that as costs rise, older people, who are the major consumers of health care, continue to remain a priority. The *National Service Framework (NSF) for Older People* (2001)<sup>147</sup> set out a 10-year strategy to improve services for older people, including in hospital. One of the key aims of the NSF is to root out age discrimination and to ensure that older people are never unfairly discriminated against in accessing NHS or social care services as a result of their age. The NSF makes it clear that NHS services will be provided, regardless of age, on the basis of clinical need alone. The Government recently published *A Recipe for Care: Not A Single Ingredient* (2007)<sup>148</sup>. This set out the clinical case for reform with the needs of older people in mind and reinforced the need for specialist services for older people, as outlined in the NSF, while focusing on bringing care closer to home and reducing the need for acute hospital care.

<sup>147</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4003066](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4003066).

<sup>148</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_065224](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_065224).

## Health education

313. In England, the Government published a White Paper *Choosing Health: Making Healthier Choices Easier*<sup>149</sup> in 2004, which set out how the Government will make it easier for people to make healthier choices by offering them practical help to adopt healthier lifestyles. The White paper set a challenging target that all schools will be working towards healthy school status by December 2009, with 75% of schools achieving healthy schools status by the same time. Through the “National Healthy Schools Programme”, schools are asked to demonstrate standards to a set of rigorous criteria under four core themes using the whole school community:

- Personal social and health education including sex and relationship education and drug education;
- Healthy eating;
- Physical activity;
- Emotional health and well-being (including bullying).

314. The “Personal Social and Health Education Framework” sets out, through all the four key stages in schools (pupils from age 5 to 16), a structured programme of learning opportunities through which pupils can be taught the knowledge, skills and understanding to take responsibility for themselves, show respect for others and to develop the self awareness and confidence needed for life. Health Literacy has also been addressed through the programme “Skilled for Health” combining literacy, language and numeracy learning with health skills in adult education programmes focussing on people with low skills and poor educational outcomes.

315. In England, we have invested in the Expert Patients Programme (EPP). The EPP is a self-management programme for people with long-term health conditions. It supports people to better manage their condition on a day-to-day basis and improve their quality of life. The investment will secure up to 100,000 course places by 2012, and improve diversity to make it more accessible to vulnerable and marginalised people.

316. The Government also run a number of public-facing programmes designed to promote health improvement and reduce health inequalities. These include tobacco control, sexual health, alcohol harm reduction, substance misuse, healthy eating and seasonal flu immunisation.

## Statistical data<sup>150</sup>

317. Life expectancy at birth in England and Wales is lower for those in semi-skilled and unskilled manual occupations than those in other occupations. The age-standardised prevalence of self-reported limiting long-term illness in the UK is higher among the long-term unemployed

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<sup>149</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4094550](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4094550).

<sup>150</sup> <http://www.statistics.gov.uk/CCI/Nscl.asp?ID=5013&Pos=6&ColRank=1&Rank=166>.

and those who have never worked, and among those in semi-routine and routine occupations, than among those in other occupations. In England and Wales, after taking account of the different age structures of the groups, men and women in Pakistani and Bangladeshi ethnic groups have the highest rates of self-reported limiting long-term illness - around one and a half times higher than for those in the White British ethnic group in 2001. Gypsies and travellers have significantly poorer health status and significantly more self reported symptoms of ill health than other UK residents. Rates of admission to mental health services are three times higher than average for Black, Caribbean and Black African groups. Life expectancy at birth is lower in Scotland than in other countries in the UK. Within England, life expectancy at birth is lower in northern regions than in other parts of England. Age-standardised mortality rates are higher in northern regions of England than in other parts of England. Age-standardised prevalence of self-reported limiting long-term illness is higher in northern regions of England than in other parts of England.

### **Northern Ireland**

318. While progress has been made on a number of fronts to tackle inequalities, and particularly through the *Investing for Health*<sup>151</sup> strategy, the reality is that significant health inequalities still exist in Northern Ireland. Health inequalities relate to population groups and the disparities in health and life expectancy between different groups in society. They are found across different geographical areas, between genders and different ethnic communities, and between different social and economic groups. For example, people from deprived communities and from socially excluded groups die at a younger age and are likely to spend far more of their lives with ill-health. The average life expectancy of travellers is between 11 and 15 years below that of the settled community. The death rates from coronary heart disease, cancer and stroke for the lowest socio-economic group are more than twice that of the highest socio-economic group. There is also the high rate of suicide amongst young men in Northern Ireland. There are higher levels of diabetes among people in the “unskilled” socio-economic grouping. There is also a high prevalence of obesity and pre-obesity amongst children and young people in Northern Ireland.

319. From an equality and human rights perspective, there are also problems for some people trying to access health and social services. For example, research indicates that people from BME groups who speak little or no English, experience difficulties accessing health and social services; that negative attitudes displayed by some health and social care staff make lesbian, gay and bisexual and transgender people reluctant to access the services they require; that people with mental health problems encounter difficulties accessing information, including information on diagnosis, medication, treatment options, and access to services, admissions/discharge, accommodation and social security benefits. It is reported that disabled women have particular difficulty in accessing services such as reproductive health care and screening. Inflexible opening hours make it difficult for young homeless people to access services during emergencies which occur “out of hours”<sup>152</sup>.

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<sup>151</sup> Further information can be accessed at <http://www.investingforhealthni.gov.uk/>.

<sup>152</sup> See *Access to Health and Social Services in Northern Ireland* at <http://www.dhsspsni.gov.uk/index/hss/equality/eq-literature-review.htm>.

320. The results of the 2004 survey<sup>153</sup> of public attitudes to Health and Personal Social Services in Northern Ireland revealed that 29% of survey respondents felt that health and social services did not treat all people fairly. Of those, almost two thirds (63%) cited elderly people as being a group treated less favourably, with one of the biggest perceived problems being attitudes of health and social services staff towards older people. People from ethnic minorities, people with hearing impairments and people with learning disabilities wished to see access to interpreters being made easier. Respondents believed that service providers' premises should be made more disability-friendly and that there should be better out-of-hours services, especially in rural areas.

321. The paragraphs above provide just some examples of inequalities and equality-related issues that have implications for health and well-being. The strategy and action plan will contribute to addressing them.

## **Wales**

322. "Designed for Life" is the Welsh Assembly Government's 10-year vision for creating world-class health and social care in Wales in the 21st century. Launched in May 2005, it describes the kind of health and social care services the people of Wales can expect by 2015 and how these can be developed. Its primary focus is on health services and health improvement. Progress towards this vision will be reviewed in 2008 and in 2011. Each review will inform the development of a new strategic framework to guide activity for the following three years. The strategy has as one its main objectives to improve health and reduce, and where possible, eliminate, inequalities in health. As part of the first review in 2008, the Assembly will assess how much progress has been made in improving the health of Wales and reducing health inequalities. Having completed this review, the Welsh Assembly Government will publish a revised health inequalities strategy in 2009.

323. In 2001 the Welsh Assembly Government announced the establishment of the "Inequalities in Health Fund" to stimulate and support local action to address inequalities in health and the factors that contribute to it including inequities in access to services. The projects that are funded are delivering a range of action and services across Wales' most disadvantaged communities to respond to local needs through targeted action. The Welsh Assembly Government has invested £5 million each year in the Inequalities in Health Fund in the first five years and will invest £5.8 million until 2008.

324. Investment from the Inequalities in Health Fund is providing the help that people need to improve their health and is a good example of the Assembly's strong commitment to prevent ill-health. The Fund's projects are at the forefront of Health Challenge Wales which is building considerable momentum as the focus for everyone's efforts to improve health in Wales. The

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<sup>153</sup> Full details of the Public Attitudes Survey 2004 can be accessed at [http://www.dhsspsni.gov.uk/index/stats\\_research/stats-pubs/stats-hpss\\_attitudes.htm](http://www.dhsspsni.gov.uk/index/stats_research/stats-pubs/stats-hpss_attitudes.htm).



sixty-two projects funded by the Welsh Assembly Government across Wales show that local action can make a huge difference in tackling ill health in some of the most disadvantaged communities. From April 2003, local authorities and local health boards have been required to formulate and implement a Health, Social Care and Wellbeing Strategy for their local area. In doing this, they will be required to co-operate with a range of local partners. The named partners are:

- NHS Trusts
- Health Commission Wales (Specialised Services)
- Community Health Councils (CHCs)
- County Voluntary Councils (CVCs)
- Any other voluntary, business or private body with an interest in health and well-being.

325. Guidance documents have been produced to provide an overview of Health, Social Care and Wellbeing Strategies and the key stages involved. The main guidance package provides more detailed advice on what local authorities, local health boards and their partners will need to do to deliver their local Strategy. “Well Being in Wales” sets out the Welsh Assembly Government’s vision for an integrated approach in which different policies and programmes add value to each other, in tackling the economic, social and environmental factors that affect people’s health.

### **Articles 13 and 14 - Right to education**

#### **Protection under other international instruments ratified by the UK**

- UNESCO Convention Against Discrimination in Education (1960)
- European Social Charter (1961).

#### **Progress since the fourth periodic report**

##### **United Kingdom**

326. See also the Government Sixth Periodic Report on the ICCPR.<sup>154</sup>

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<sup>154</sup> *Sixth Periodic Report from the United Kingdom, the British Overseas Territories, the Crown Dependencies* on the ICCPR (1 November 2006), paragraph 492, p. 165 available online at <http://www.dca.gov.uk/peoples-rights/human-rights/int-human-rights.htm>.

327. The Government aims to build a competitive economy and inclusive society by<sup>155</sup>: creating opportunities for everyone to develop their learning; releasing potential in people to make the most of themselves; and achieving excellence in standards of education and levels of skills. Five specific objectives have been set out:

- Safeguard children and young people, improve their life outcomes and general well-being and break cycles of deprivation.
- Raise standards and tackle the attainment gap in schools.
- All young people to reach age 19 ready for skilled employment or higher education.
- Tackle the adult skills gap.
- Raise and widen participation in higher education.

328. In July 2004, the Government published a *Five Year Strategy for Children and Learners*.<sup>156</sup> The strategy identified five key principles:

- Greater personalization and choice, with the wishes and needs of children’s services, parents and learners centre-stage.
- Opening up services to new and different providers and ways of delivering services.
- Freedom and independence for frontline head teachers, governors and managers with clear simple accountabilities and more secure streamlined funding arrangements.
- A major commitment to staff development with high quality support and training to improve assessment, care and teaching.
- Partnerships with parents, employers, volunteers and voluntary organizations to maximize the life chances of children, young people and adults.

329. The Strategy’s goals for the early years are as follows: all parents able to get local one-stop support through Children’s Centres that will provide childcare, education, health, employment and parenting support; from birth to two, more opportunities and support for parents to stay at home with their children if they want to; a flexible system of “educare”, that joins up education and childcare and provides 12½ hours free support per week for three and 4 year olds before they go to school, with more choice for parents about when they use it; the development of dawn-to-dusk schools, with breakfast childcare and after-school clubs to help parents juggle their

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<sup>155</sup> <http://www.dfes.gov.uk/publications/deptreport2007/docs/deptreport2007.pdf>.

<sup>156</sup> <http://www.dfes.gov.uk/publications/5yearstrategy/docs/DfES5Yearstrategy1.rtf>.

busy lives; Children's Trusts bringing together all those who provide services for children and families in each local area, and making sure children at risk get proper care, education and protection.

330. The Strategy's goals in primary school are as follows: every child making the best possible progress in reading, writing and maths, with high-quality teachers and support staff in the classroom giving children more tailored learning; a wider school curriculum and the choice for every child to learn a foreign language, play music and take part in competitive sport; a closer relationship between parents and schools, with better information through a new "school profile" and more family learning; more primary schools working together in networks, supporting each other and challenging failure; and the best heads helping to improve the rest; and poor schools turned around quickly or closed.

331. In secondary education, the Government's central purpose for every pupil over the next five years is to raise the quality of education, teaching and learning, and to widen the range of real choices which are available. The Government set out eight key reforms:

- Guaranteed three-year budgets for every school from 2006, geared to pupil numbers, with every school also guaranteed a minimum per pupil increase each year. A dedicated Schools Budget, guaranteed by national Government and delivered through Local Authorities, will give headteachers and governors financial security and confidence, and the ability to plan for the future.
- Universal specialist schools - and better specialist schools. Every school will be able to become a specialist school with a mission to build a centre of curriculum excellence. Specialist schools will be able to take on a second specialism to develop their mission further. High-performing specialist schools will have the chance to become training schools or leaders of partnerships; those without sixth forms will have new opportunities to develop sixth form provision.
- Freedom for all secondary schools to own their land and buildings, manage their assets, employ their staff, improve their governing bodies, and forge partnerships with outside sponsors and educational foundations. At present one in three schools enjoys some or most of these powers, including aided schools and "foundation" schools. In future all schools - except those which are failing - will have a right to take on all these powers by a simple vote of their governing body, following a brief period of consultation. A strict national requirement for fair admissions will remain; and the Government will not allow any extension of selection by ability, which denies parents the right to choose.
- More places in popular schools. There is no "surplus places rule". All successful and popular schools may propose to expand. The Government introduced dedicated capital funding to encourage this, and rules to allow it in all but exceptional circumstances. The Government will introduce a fast-track to expansion so there are more places in popular schools, and will mandate competitions for new schools which will enable parents' groups and others to promote schools, including smaller schools. This will enable successful schools to establish and manage entirely new schools and federations.

- A “new relationship with schools” to cut the red tape involved in accountability, without cutting schools adrift. Inspection, accountability and intervention to tackle failure are essential for independence to thrive properly. But they need to be of high quality and involve minimal bureaucracy. The Government will halve the existing inspection burden on schools, without scrapping the expectation that schools must constantly improve. The Government will also replace the existing system of local authority “link advisers” with a single annual review carried out by a “school improvement partner”, usually a serving headteacher from a successful school. In cases of failure, intervention will follow as necessary. High-performing schools will only undergo the formal review once every three years.
- 200 academies by 2010 - and more new schools. The Government will provide for 200 independently managed academies to be open or in the pipeline by 2010 in areas with inadequate existing secondary schools. Some will replace under-performing schools; others will be entirely new, particularly in London where there is a demand for new school places.
- Every secondary school to be refurbished or rebuilt to a modern standard over the next 10 to 15 years. The “Building Schools for the Future” programme, made possible by a sevenfold increase in the schools capital budget since 1997, will give every school the buildings, facilities and information technology it needs to succeed. It will also drive reform in each locality, including the expansion of popular schools, the closure of failing schools, and the establishment of new schools and sixth forms.
- “Foundation partnerships” to enable schools to group together to raise standards and to work together to take on wider responsibilities - in areas such as provision for special educational needs or hard-to-place pupils.

332. The Strategy’s goals for pupils at age 14 are as follows: a much wider choice of what and where to study, with high standards in every subject and new sixth forms and sixth form colleges where they are needed; demanding courses for the most able pupils, whether they take academic or vocational options, and Young Apprenticeships that start at 14; closer link between schools and employers, so vocational learning means something in the world of work; extra support for young people leaving care; high-quality advice and guidance to help young people make good decisions, and a wide range of things to do and places to go for young people outside school or college.

333. The Strategy’s goals for individuals, university students and employers are as follows: high quality courses for everyone, and every adult able to get the skills they need for good jobs; free tuition for people learning basic skills, and free tuition and new Adult Learning Grants for adults going for Level 2 qualifications (the equivalent of 5 good GCSEs); employers in the driving seat, with colleges and training providers who know how to help business and respond to their needs; high-quality Further Education, with no funding for poor provision; access to university for anyone with the potential to benefit; grants for students that need them, an end to up-front fees, and a fair way for graduates to contribute to the cost of their course; high-quality courses and teaching, with more flexible opportunities to study; better vocational Foundation

Degrees designed with and for employers; world-class research that keeps us as a leading-edge nation; good engagement between employers and higher education to boost innovation and skills.

334. In 2006, the Government reviewed the progress made in the implementation of the Strategy.<sup>157</sup> Government investment in education, training and children's services rose to £61 billion in 2005-06 (compared to £40 billion in 1997-98 in equivalent prices) and is set to rise to £63.7 billion in 2007-08. The proportion of GDP spent on education will rise to a forecast 5.6 per cent in 2007-08. Between 2008 and 2011, the Government's overall investment in schools, colleges, universities and children's services will grow by an average of 2.7 per cent above inflation per year. The latest indicators of the Government performance<sup>158</sup> show: 1,280,000 registered childcare places in March 2007 (as opposed to 1,103,000 in March 2004); childcare approval scheme in place with over 4,200 new carers approved; 71.4% of 19-year-olds achieved at least level 2 in 2006 (as opposed to 66.3% in 2004); 46.8% of young people achieved level 3 in 2006 (as opposed to 42.1% in 2004); 43% of those aged between 18 to 30 participated to higher education in 2005-06 (as opposed to 39% in 1999-00). 58.5% of 15-year old pupils achieved 5 or more A\*-C grade GCSEs or equivalent in the period 2006-06 (that is, 13.4% more than in 1996-97). 85.9% of young (UK-domiciled) from state schools entered full-time first degree courses at higher education institutions in England (compared to 81% in 1997-98).

### **Northern Ireland**

335. The Special Educational Needs and Disability (Northern Ireland) Order was made on 6 April 2005. This Order will strengthen the right to an ordinary education place for children with Special Educational Needs (SEN) and extend similar provisions to those contained in the Disability Discrimination Act 1995 (DDA) to educational institutions in Northern Ireland for the first time. It will also make it unlawful for general qualifications bodies to discriminate against people with disabilities.

### **Wales**

336. Learning Pathways 14-19 is a commitment to the transformation of learning provision for all young people in Wales. Learning Pathways addresses the need for a more flexible and balanced approach to the education of 14-19 year olds, providing a wider range of experiences which will suit the diverse needs of Wales' young people. The Welsh Assembly Government aims to have 95 per cent of young people by the age of 25 to be ready for high skilled employment or higher education by 2015. Learning Pathways consist of a blend of six key elements which, in combination, will ensure that, over time, all learners receive the appropriate balance of learning experiences that best meet their needs and realise their potential. The six key elements are:

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<sup>157</sup> <http://www.dfes.gov.uk/publications/5yearstrategyprogress/docs/5yearstrategy-maintexcel.pdf>.

<sup>158</sup> <http://www.dfes.gov.uk/publications/deptreport2007/docs/deptreport2007.pdf>.

- Individual Learning Pathways to meet the needs of each learner;
- Wider choice and flexibility of programmes and ways of learning;
- A Learning Core which runs from 14 through to 19 wherever young people are learning;
- Learning Coach support;
- Access to personal support; and
- Impartial careers advice and guidance.

337. Learning Pathways 14-19 will encourage more young people to achieve their potential so they are increasingly better equipped for the world of work and to become better informed and more active citizens. It will do this by contributing to an improvement in qualifications, supporting an improvement in the proportion of 16 year olds progressing to further learning in education and training, widening choice, promoting equality of opportunity and supporting the achievement of “*Extending Entitlement*”. Extending Entitlement is the Welsh Assembly Government’s flagship policy for youth support services in Wales. It includes all services, support and opportunities for young people between 11 and 25, wherever they happen, whoever is delivering them and wherever the funding originates. The responsibility for supporting young people through their developments rests on a wide range of organisations at local level, all of whom will have a part to play in supporting them at their different stages of development. The “Making the Connections” policy is focused on bringing services together to improve effectiveness of delivery.

### **Article 15 - Right to culture**

#### **Progress since the fourth periodic report**

#### **United Kingdom**

#### **Policy**

338. The Government’s aim is to improve the quality of life for all through cultural and sporting activities, to support the pursuit of excellence and to champion the tourism, creative and leisure industries. To achieve this, the Government has developed five strategic priorities around which it organises its work:<sup>159</sup>

- Children and Young People - enhancing access to a fuller cultural and sporting life for children and young people and giving them the opportunity to develop their talents to the full and enjoy the benefits of participation.

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<sup>159</sup> <http://www.culture.gov.uk/NR/ronlyres/ED964829-6388-4AA2-B298-BF219634F217/0/CrossCuttingDCMSstrategy.pdf>.

- Community - increasing and broadening the impact of culture and sport to enrich lives, strengthening communities and improving the places people live.
- Economy - maximizing the contribution which the tourism, creative and leisure industries can make to the UK's economy.
- Delivery - modernizing delivery through our sponsored bodies.
- Olympics - hosting an inspirational, safe and inclusive Olympic Games.

339. Most Government funding on cultural initiatives goes to Non-Departmental Public Bodies (NDPBs). In 2006, the Government put in place three year funding agreements that focus on how NDPBs deliver value to the public, allowing us to monitor progress more effectively. The Government also facilitated sharing good practice by setting up peer reviews with Arts Council England and networking events and collecting useful management information for a central database. The Government has also strengthened relations with the voluntary and community sector (VCS), holding meetings with the VCS Forum and key NDPBs. The Government focused on developing COMPACT (the agreement between Government and the VCS to improve their relationship for mutual advantage as set out in a series of Codes of Good Practice), capacity building and volunteering. Responses received from the report *A Giving Culture* (2005)<sup>160</sup> helped the Government to prioritise for the year ahead, including better communication and reform of delivery. The “Year of the Volunteer” (2005) was a joint initiative between the Home Office Community Service Volunteers (CSV) and Volunteering England. The Government played an active role in raising awareness by promoting volunteering to all staff and CSV offered the Government the chance to volunteer in team challenges and school partnerships including reading and mentoring in schools. Eight teams took part in challenges ranging from gardening and painting in allotments and community centres to clearing a conservation area.

340. The Government continues to work closely with a range of regional partners to help achieve our broader objectives, ensuring that culture is recognised as crucial in the regions. Key bodies are the Regional Cultural Consortia which bring together Government regional agencies and other partners to develop broader cultural strategies. The Regional Development Agencies also have the remit to deliver regional support for tourism. In 2006, six of them reviewed their regional economic strategies. One of the Government's priorities is to strengthen its links with local authorities as they are responsible for spending a significant amount of money (£3.2 billion a year) on culture and leisure. The Government continues to work with, among other bodies, the Local Government Association (LGA) and the Improvement and Development Agency (IdeA) to ensure that local communities get the maximum benefit from money spent on local cultural services. In December 2005, a dedicated cultural services assessment was featured in the Audit Commission's *Comprehensive Performance Assessment of English single tier and*

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<sup>160</sup> <http://www.culture.gov.uk/NR/rdonlyres/DE4B8CBA-FE5B-46EA-A0F4-6B3C859EF464/0/AGivingCulture.pdf>.

*County Councils*.<sup>161</sup> Twenty per cent of county and unitary councils obtained the maximum score for their cultural services. The Government's strategic partnership with IDeA, beginning with the launch of the "Cultural Connections" web site<sup>162</sup> has progressed through the initiation of a three-year project to promote improvement in local authority culture and leisure services. This project is centred on the work of a new cultural services improvement unit at IDeA, jointly funded by the Government and its strategic NDPBs.

341. In 2005, *Digital UK*<sup>163</sup> was formed by broadcasters to implement a switchover to digital TV in the UK.

## Funding

342. Funding for culture comes from various sources. The total funding allocated by the Government in 2007-2008 is £4,613.4 million. This includes £347 million for museums and galleries, £419.1 million for visual and performing arts, £186.4 million for sport, £175m for London 2012, £190.7 million for the built and historic environment, £121.4 million for broadcasting, the media and film (excluding the BBC), and £112.1m for libraries.

343. Local authorities provide significant funding for the arts. They maintain approximately 6,300 libraries, leisure facilities, galleries and museums and provide grant aid for orchestras, theatres and dance. Arts & Business and Arts Council England are working with the Association of Town Centre Management to encourage more Business Improvement Districts (BIDs) and town centre initiatives (TCI) to invest in arts and culture as a way of promoting their own areas' attractiveness and enhance local competitiveness. Latest figures published in December 2006 by Arts & Business show that the total amount of private support for the arts has grown to £530 million. The annual Arts & Business *Private Investment in the Arts*<sup>164</sup> report covers both business investment and individual giving. The biggest growth area has been in individual giving which now stands at £262.4 million, a figure that is growing steadily year on year. From 2004/05 business investment remains static at £153.4 million, whilst trusts and foundations have risen to over £113.7 million.

344. Visual arts / galleries, museums and theatres absorbed 70% of total private investment. Libraries and archives saw the greatest increase in UK share of private investment, with film/video also showing a strong increase. Cash sponsorship was dominated by theatre, visual arts and galleries and festivals, taking 41% of the total UK share of this form of investment. Museums and music took the largest share of corporate donations, receiving 43%.

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<sup>161</sup> <http://www.audit-commission.gov.uk/cpa/stcc/index.asp>.

<sup>162</sup> [www.idea-knowledge.gov.uk](http://www.idea-knowledge.gov.uk).

<sup>163</sup> <http://www.digitaluk.co.uk/>.

<sup>164</sup> <http://www.aandb.org.uk/render.aspx?siteID=1&navIDs=1,5,881,1000>.



345. The National Lottery has raised £20 billion for good causes and awarded more than a quarter of a million grants since it was launched in 1994. Whilst the Government is responsible for the framework within which the Lottery operates, decisions on grant programmes and individual grants are made by a number of independent distributing bodies, such as Arts Council England, Heritage Lottery Fund, Sports Council Wales and Scottish Screen. In 2006, the Government passed a new National Lottery Act, which created a new distributor to replace the New Opportunities Fund, Communities Fund and Millennium Commission. The Big Lottery Fund is now responsible for awarding 50% of the money raised for the good causes to projects relating to charities, health, education and the environment. The National Endowment for Science, Technology and the Arts has been given National Lottery funding of £300 million and the income generated by the endowment is used to transform the UK's capacity for innovation - investing in early-stage companies, informing innovation policy and encouraging a culture of entrepreneurship. The Government and Distributors have always welcomed the public's views on how the "good causes" monies should be spent. Following a major public consultation between November 2005 and February 2006, the Government announced new priorities for Lottery funding to the arts and film, heritage and sport good causes. These priorities include programmes to increase participation for the socially excluded: inspire young people and get them involved in healthy activities; involving local communities; funding local community initiatives to bring people together; supporting volunteers who do so much for good causes. And finally, to encourage new talent and help individuals develop new skills.

#### **Promotion of cultural identity**

346. The Government recognises that the culture, media and sport sectors provide a fantastic range of opportunities to raise aspirations, to build strong and cohesive communities and to enable people to live their lives to the full. Evidence from the "England-wide Taking Part Survey", commissioned in 2005, found that people who take an active part in the cultural life of their community are more likely to know and trust their neighbours. And in turn they are more likely to have trust in the police, the legal system and Parliament. The Government has set itself targets to raise participation in its cultural sectors by 2008 amongst priority groups, which include disabled people, people from BME communities and those in lower socio-economic groups. For the sport target, women are also defined as a priority group. To achieve these targets, the Government is working closely with its delivery bodies such as Arts Council England, English Heritage, Sport England and the Museums Libraries and Archives Council. Examples of such initiatives are:

- Renaissance in the Regions - an investment of £147m to improve a number of regional museums, including work by the Museum of Science and Industry in Manchester working in partnership with both the Muslim Youth Foundation and Manchester University to create a "1001 Inventions: Discover the Muslim Heritage in our World" which opened in November 2005.
- Moving Here - an interactive web site for exploring the history of the last 200 years of migration to England, allowing people to research their history and to find their place in the bigger picture.

- Moving Minds - Imperial War Museum North is working in partnership with Blackburn Museum and Art Gallery, Cumbria Archives and Synergy TV to develop an intergenerational learning programme involving young people, school pupils and Second World War veterans in the North West.
- Understanding Slavery Initiative - This project, involving a partnership of museums, supports the effective teaching of the Citizenship curriculum through the museums' collections related to the Transatlantic Slave Trade.
- Heritage Open Days - The Civic Trust, with funding from English Heritage, co-ordinates an annual event to celebrate England's architecture and culture, England's biggest and most popular voluntary cultural event, attracting around 800,000 people every year. Visitors are granted free access to interesting properties that are not usually open to the public, or would normally charge an entrance fee.
- London 2012 Olympics. The UK won the bid to host the 2012 Olympic Games and Paralympic Games in London. The Government is working closely with its key stakeholders - the London Organising Committee for the Olympic Games and Paralympic Games, the Olympic Delivery Authority, the Mayor of London and the British Olympic Association, and other relevant bodies across the UK, to ensure that the 2012 Games leave a lasting legacy and create maximum benefits for London and the UK as a whole. Equalities and diversity are at the heart of the Games. In 2012, London will welcome more than 23,000 competitors and officials from more than 200 countries. The Games are expected to deliver thousands of new jobs and homes, a huge range of opportunities for businesses, and will transform deprived parts of London. The Games will also offer a unique opportunity for the British people to engage with and participate in a major cultural celebration. From the closing ceremony of the Beijing 2008 Games, the UK will commence its "Cultural Olympiad", a developing, four-year period of cultural activity designed to celebrate the Olympic spirit throughout the UK.

## Television

347. The widest and most extensive sources of information, cultural provision and entertainment are television and radio. There is extensive coverage within the United Kingdom by both public service and commercial television and radio. There are two analogue national terrestrial television services financed almost wholly by licence fees and three funded by sponsorship and advertising. These provide a wide variety of artistic, cultural, educational, literary and documentary programmes (including children's programmes) as well as frequent and extensive dramatic and musical programmes. These services are also broadcast nationally on digital television, together with two additional services financed by licence fees, one additional service funded by sponsorship and advertising, and some 33 channels funded by subscription. There are also a number of analogue and digital satellite and cable television services funded by subscription which cater for a variety of audiences (including those which concentrate on music and the performing arts, history and current affairs). Some 26 channels broadcast principally in non-European languages such as Chinese, Hindi, Farsi, Urdu and Japanese for the benefit of

those communities both in the United Kingdom and elsewhere in Europe. In March 2006, there were 20,415,000 receiving television licences in issue in the UK. Over a quarter of households in Great Britain owned a satellite dish, with 13 per cent subscribing to satellite television and 9 per cent to cable television. The UK will switch to all-digital TV broadcasts by 2012.

## **Radio**

348. There are eleven national BBC digital radio stations, six of which are also carried on analogue and a further forty BBC local radio programmes. Together these transmit all types of music, drama, education and feature programmes. There are three national commercial analogue radio stations and currently one national commercial digital multiplex, with a further one to come that will collectively have the capacity to carry around 20 national digital radio services. In addition, there are over three hundred analogue and digital local radio independent local radio services providing a variety of information, music and other entertainment and education. It is estimated that adults in the UK listen to over a billion hours of radio each week.

349. In 2003, the Government introduced a new tier of not-for-profit local “community radio” stations. The Office of Communication (Ofcom), the independent regulator and competition authority for the UK communications industries, has so far awarded over 120 of these licences. A variety of stations are in existence across the UK to cater for a range of specific interest groups such as the young, older people, a particular faith group or cultural diversity. It is envisaged that there is analogue spectrum capacity for a maximum of around 200 community licences in the UK.

## **Internet**

350. 57 per cent of all households in the UK were connected to the Internet between January and April 2006. This includes 66 per cent of households in London and 48 per cent in Scotland. There were no significant differences in internet take-up when comparing socio-economic groups across the UK, although there were indications that there was a lower take-up in people aged 45+ in the South East of England.

## **Press**

351. The press is also a wide and extensive source of information, including access to the various aspects of cultural life. There are 11 national daily and Sunday newspapers and about 1,300 regional and local newspapers published in the UK. Most towns and cities have their own regional or local paper. It is estimated that in 2006 some 66 per cent of British adults read a national newspaper and over 83 per cent a regional or local newspaper. Some 8,000 periodicals circulate in the UK which include “consumer” titles aimed at groups with particular interests, such as the arts, music, books, dance and film, and many academic and professional journals.

## **Libraries and books**

352. The Public Library system provides a comprehensive network of libraries, including mobile libraries, throughout the UK. In 2001 there were almost 5,000 public libraries, and 34 million people (58 per cent of the population) were registered members of their local library and 20 per cent borrow at least once a week. About 406 million books, an average of nearly

seven per person, were borrowed from public libraries in the UK in 2000/01. "Adult fiction" comprised the most popular category of book borrowed, followed by "adult non-fiction" and "junior". The total number of books borrowed has declined since 1981, when an average of over 11 books per person were borrowed. Many libraries have collections of CDs, records, audio- and video-cassettes, and DVDs for loan to the public. Thirty nine million audio-visual items were also borrowed in 2000/01. The information role is becoming increasingly important for all libraries: nearly all have personal computers for public use and, in May 2002, 70 per cent had Internet connections. In the British Library, over 16,000 people use the collections each day; and on a yearly basis, nearly 400,000 visit their Reading Rooms - the majority of whom are academics, researchers and students.

### **Performing arts**

353. Arts Council England (ACE) funding for theatre has more than doubled over the last ten years, rising from £47.9 million in 1996/97 to an estimated £97.5 million in 2006/07, which will go to over 230 regularly funded theatre organisations. ACE's priorities for theatre are to support a diverse and innovative sector, to enable more people and in particular, young people to take part as both audiences and participants, and to celebrate diversity. A survey of England's seven biggest regional producing theatres found that 40% more people were visiting the theatre than five years ago. Total attendance in central London theatres were a record 12.3 million in 2006, an increase of 0.48% on the previous record year of 2005. More than 25 million tickets are sold each for theatre opera and ballet each year. 24% of adults attend the theatre each year, 4% opera, 4% ballet and 2% contemporary dance.

### **Film**

354. There are 697 cinemas with some 3,440 screens in the UK, programming a wide range of films. Annual cinema admissions in 2006 totalled 157 million. The UK box office total takings in 2006 was £762 million. 505 films (on release for a week or more) were released in the UK and Republic of Ireland. The UK Film Council - the body established in 2000 to create a sustainable British film industry - has funded the establishment of a Digital Screen Network of 240 screens across the UK to increase the range of films available. In 2005, 72% of the UK population said they went to the cinema at least once a year, whilst 25% went once a month or more.

355. The UK Film Council will provide for the first time a coherent strategy for the development of the film industry within the UK. Government funding for the industry will be provided through the Council to ensure that support is more co-ordinated and effective. The Film Council funds the British Film Institute which promotes the development of film as an art form and its cultural and educational application. It will also distribute Lottery funds and take responsibility for the work of the British Film Commission (the inward investment service of the film industry) and British Screen Finance (a private sector film investment company).

### **Museums and galleries**

356. There are some 2,000 museums and galleries open to the public in the United Kingdom. This figure includes 22, mostly national, museums funded directly by the Government, 600 which receive support from local authorities, and about 850 independent museums. In addition

to the display of their permanent collections, many museums and galleries mount temporary exhibitions. During 2005/06, 34 million visits to the national museums and galleries in England were recorded, and over 80 million visits were made to the museums in the UK as a whole.

### **Built and historic environment**

357. The Government supports English Heritage, the Commission for Built Environment and the Churches Conservation Trust. In April 2006 there were 372,583 entries for buildings and structures listed as being of special architectural or historic interest in England, amounting to around 500,000 buildings and structures. There were 19,710 scheduled ancient monuments. England has 17 sites inscribed as World Heritage Sites. English Heritage maintains 400 sites on behalf of the Government, around half of which charge for entry. In 2005, there were 56.4m visits to 874 historic environment attractions which charge for entry. There are many more sited which are not staffed and do not charge. Of the 1143 properties represented by the Historic Houses Association, 519 are open regularly to the public. In 2005 these properties received 13,489,140 visitors. In 2005-6 English Heritage had 595,000 members and the National Trust had 3,392,000 members. An estimated 400,000 people are involved in some form of volunteering in support of the built and historic environment.

358. Heritage Open Days is an annual event celebrating England's architecture and culture. It is funded by English Heritage and managed by the Civic Trust through a network of volunteers. Thousands of buildings and sites which are usually closed to the public or charge an entrance fee are open free of charge. Associated events such as guided walks, concerts and family activities help to bring the past to life. Over a million people took part in the 2006 Heritage Open Days event.

### **Music**

359. Government support for orchestras is channelled through Arts Council England (ACE). There are eight key symphony orchestras: Bournemouth Symphony Orchestra; City of Birmingham Symphony Orchestra; Halle; London Philharmonic Orchestra; London Symphony Orchestra; Philharmonia; Royal Liverpool Orchestral Society; and Royal Philharmonic Orchestra. These orchestras all have large education and outreach programmes and are committed to improving access and reaching new audiences. ACE also supports a large portfolio of other Music organisations, including 13 chamber orchestras and a considerable number of opera, folk, jazz and contemporary music organisations, alongside festivals.

### **Festivals**

360. A variety of arts festivals take place across the UK and provide opportunities to celebrate the arts and culture. Festivals introduce new cultural experiences to many people and have far reaching economic and social benefits. Events range from the Glastonbury Festival of performing arts, where over 170,000 people are expected to attend in 2007, to specialist community based festivals. Arts Council England supports a variety of festivals across all art forms including Glyndebourne Festival Opera, the Cheltenham Literature Festival, the Liverpool Biennial - the UK's only international festival for contemporary visual arts, the Notting Hill Carnival and the Brighton Festival, England's largest annual multi art form festival.

361. In addition to permanent libraries, concert halls, museums, art galleries, theatres and cinemas, there are over 500 professional arts festivals in the UK each year. In England, they include music (ranging from the Glastonbury festival (rock and pop) to the Promenade Concerts and Handel Festival in London), literature and book fairs, Shakespeare (at Stratford and London) and other theatre and drama festivals and various other art forms. The annual “Heritage Open Days” event provides access to parts of the built and historic environment that are not normally open to the public (approximately one million visitors per annum).

### **Access**

362. It is a government objective to increase the levels of engagement with the arts amongst people from BME groups, people with a limiting disability, and people from the lower socio-economic groups by 2008. As part of its wider aim of improving access to the arts for all, the government introduced free admission to national museums and galleries in 2001, and has since seen the number of visitors to those attractions double.

363. The Government is also aiming to provide access to arts education for all, from pre-school to lifelong learning, both formally and informally. It works with the Arts Council of England to provide young people with sufficient opportunities to experience the arts and to ensure that arts education is of sufficient quality. In 1999, an initiative was launched to allow schools to link up with arts organisations for work on the national curriculum. Groups of children may benefit from free tickets to events and performances and individuals develop their IT skills through use of the Internet. English Heritage provides free access to its government owned properties for educational visits. In 2005-2006 English Heritage properties hosted 485,000 educational visits. Up to six children and young people under 19 can enter free of charge with an accompanying adult who is a member. Between 2004 and 2006, site based learning resources were developed for 40 English Heritage sites. These are designed to offer families and education groups activities which are available all year round. The Commission for Architecture and the Built Environment (CABE) has the strategic aim to increase young people’s engagement with their surroundings and develop understand of how buildings and spaces work, fostering respect for the built environment and inspiring the next generation to choose the built environment professions. Through a programme called How Places Work, CABE aims to provide 50,000 high quality educational activities for young people with buildings and spaces by 31 March 2008.

364. In 2002 the Government and Arts Council England set up their flagship programme in the cultural education field, Creative Partnerships. The idea is to give school children aged 5-18 and their teachers the opportunity to explore their creativity by working on sustained projects with creative organisations and individuals. Creative Partnerships is primarily concentrated in 35 areas of socio-economic deprivation, including regions which suffer from rural isolation.

365. Launched in 2005 by the Government and run by the Arts Council, Arts Award is the first award scheme to recognise the development of young artists and young arts leaders aged between 11 and 25. The initiative celebrates the creative progress made by young people and can be taken at Bronze, Silver and Gold levels, which are accredited at levels 1, 2 and 3 on the National Qualifications Framework.

366. In November 2006 the Government published its response to Paul Roberts' review, "Nurturing Creativity in Young People" (July 2006) and as part of its response has set up a Creative and Cultural Education Advisory Board to help implement the recommendations outlined in the report. Chaired by Paul Roberts, the board has representation from the Government's key stakeholders in this area and will run for one year.

367. "Music Manifesto" (MM) is a campaign launched in 2004 to improve music education over a period of 3 to 5 years. It was developed by the Government in collaboration with a sixty-strong consortium of music organisations, educators, musicians and the music industry. It offers a vision and set of priorities, focusing on children and young people to develop music education and ensure young people experience a broad range of musical experiences. Organisations and individuals can "sign up" to the vision and statement of priorities via the MM website,<sup>165</sup> and also showcase their own distinctive contributions by posting pledges of resources and programmes.

368. The Arts Council of England also provides arts opportunities for young people at risk of social exclusion, in particular through a partnership formed in 2002 with the Youth Justice Board. Schemes such as Arts Summer Colleges for young people at risk of offending, and the Arts and Youth Justice Award for practitioners have been established. In addition, in 2006 Youth Music was awarded £666,000 funding over two years to roll out a music mentoring programme. This programme offers young people the chance to attend one-to-one and group mentoring sessions, where they can gain knowledge and experience from those who mentor them.

### **Cultural minorities**

369. Cultural diversity is recognized as a significant factor in the cultural life of the UK. Community and commercial activities include:

- Broadcasting: In addition to the 26 or so non-European language services referred above, there are about 16 cable and local/community services catering for minority groups including London Turkish, London Greek, Caribbean One TV, Africa Independent Television, Asian Sound and Asset Television.
- Abolition of the Slave Trade. Events to mark the bicentenary of the abolition of the slave trade in the British Empire are taking place across the country, throughout 2007 and beyond. There has been active engagement between central government and BME networks and media outlets. The majority of events commemorating the bicentenary have been organised by cultural institutions and community groups. The Heritage Lottery Fund has awarded over £10m in grants to over 100 projects, including the largest single award to a community organisation, £408,000, to help the Leeds West Indian Centre Charitable Trust to run a programme of activities involving the local community in the commemoration of the bicentenary.

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<sup>165</sup> <http://www.musicmanifesto.co.uk/>.

- Arts. Numerous arts groups contribute to the well-being of local communities, e.g. *Sampad* and *Akademi* on South Asian dance. Muslim Jewish Youth Theatre productions aim to foster community cohesion by bringing different faiths together through theatre.

### **Disabled persons**

370. Arts Councils have worked closely with their client bodies to ensure physical access to cultural activities for people with disabilities; such access is a criterion for all grants made by the National Lottery. In 2006, the Arts Council of England produced a Disability Equality Scheme, and their regularly funded organisations are going through the same process. The Arts Council of England has an Arts and Disability Advisory and Monitoring Committee and many of its advisory panels include disabled people. English Heritage also aims to ensure that its properties are as widely accessible as possible. Guidance notes have been published on Easy Access to Historic Properties and Easy Access to the Historic Environment, to advise providers on the widest possible access to historic properties while protecting their character and interest for all.

371. The Arts Councils support work to ensure that people with disabilities are able to take part - as amateurs or professionals - in cultural activities. The Arts Council of England funds the National Disability Arts Forum which promotes awareness of disability issues. It also funds organisations such as Heart and Soul, Candoco and Graeae, which enable people with physical disabilities or learning difficulties to participate in the arts. There is also an apprenticeship scheme for disabled people in major arts organisations.

372. The Museums, Libraries and Archives Council (MLA) is the lead strategic agency for museums, libraries and archives. MLA has been actively promoting disability access and equality since it was formed in 2001. Activity to date includes National MLA Disability Surveys, National audits focusing on website accessibility for disabled people and users with learning difficulties; reports and new frameworks drawn up with guidance from steering groups from disability organisations. The creation of accessible technology through the Peoples Network resulted in 30,000 computers with broadband being installed in more than 3,000 public libraries in England (2001/02). Over 70% of library services provide assistive and accessible technology. The Renaissance programme to improve regional museums in terms of accessibility for disabled people was set up to promote a more enjoyable visitor-led experience in 21<sup>st</sup> century museums. Colchester Museums, regarded as an international leader in disability equality (2005-2007), provided funding to the creation of a Disability History Network.

373. In response to the needs identified in the MLA Disability Survey 2001, MLA developed its Disability Portfolio, a Disability Checklist and a database of disability experts. Each serves as a toolkit to deal with access and equality issues in museums, libraries and archives. With support from consultants with a disability, they provided a web learning resource, “Delivering Services for Disabled People”, for library staff and this includes a number of video interviews with disabled service users and managers. Working in partnership with the British Museum and the 24 Hour Museum, the annual “Jodi Awards” are presented for excellence in museum, library and web accessibility. MLA is currently developing a Disability Equality Scheme for the period 2007-10. Several initiatives to promote access and equality for disabled people are already planned for 2007-08 and will be included in the detailed Disability Equality Scheme.



## Scientific progress and its applications

374. Everyone in the UK is entitled to enjoy the benefits of scientific progress and its applications. The Government's "Public Engagement in Science and Technology Programme" has moved in recent years from simply promoting public understanding of science to the wider agenda of facilitating public engagement with science and its applications. The Programme seeks to enable Government and scientists to respond proactively to public priorities and concerns; to increase public confidence in the benefits offered by science and technology; greater engagement with major issues facing society; and careers in science becoming more attractive to both adults and children. The programme supports a broad range of activities including:

- The "Science-wise Programme", launched in 2004, to enable citizens, the science community and policy-makers to engage in dialogue to inform policy and decision-making on key science and technology challenges. Science-wise has already provided grant funding for 10 key dialogue projects in areas such as nanotechnology, stem cells and climate change. The most recent project, "Science-horizons", launched in 2007, is the first ever mass public engagement programme in this area.
- Developing an expert resource centre for public dialogue.
- Supporting research to identify public attitudes to science/technology and scientists. A new survey in 2008 will build on research conducted by MORI in 2004 that shows that the UK public already has a positive attitude towards science and technology.
- Promoting good practice, co-ordination and co-operation with stakeholders, and produce publications such as the Government Chief Scientific Adviser's Ethical Code for Scientists.
- Supporting a cross-Government network of Science and Society Champions to increase the awareness of the science and society agenda in their organisations and encourage the use of public engagement tools to support policy-making.
- Supporting key stakeholder activities that can achieve a positive national impact, e.g. the Royal Society and Research Council UK's Science and Society programmes, National Science and Engineering Week, the British Association for the Advancement of Science Festival of Science, ecsite-UK, AlphaGalileo (the European internet press service) and the Foundation for Science and Technology.

375. In April 2003, the Government published "A Strategy for Women in Science, Engineering and Technology".<sup>166</sup> The Strategy is aimed at academia, industry and public service equally to tackle the problems of under-representation of women in the areas of science, technology and

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<sup>166</sup> [http://extra.shu.ac.uk/nrc/section\\_2/publications/reports/R1428\\_Strategy\\_for\\_Women\\_in\\_SET.pdf](http://extra.shu.ac.uk/nrc/section_2/publications/reports/R1428_Strategy_for_Women_in_SET.pdf).

engineering (SET). The main new initiatives laid out in the new Strategy were: the setting up of a national Resource Centre; improved statistical monitoring, to enable the position of women's participation in SET to be accurately monitored and tracked. As part of the Government's strategy, the role of the Science Workforce and Diversity Team has been strengthened and become more strategic. Its new tasks include: overseeing the Resource Centre; working across government departments to ensure that they and their SET agencies and contractors follow good practice in their employment of women scientists; working within Government to ensure policies on science in schools, in careers advice and information, and in higher education take account of women in SET; working with those sections of Government which interface with relevant SET companies to ensure good management practice for women; carrying out policy advice and relevant Parliamentary work.

376. The UK Resource Centre for Women in SET (UKRC) was launched in September 2004 and works with British business to help maximise the opportunities for professional women in SET and close the skills gap that is damaging UK competitiveness. The UKRC supports the Government's strategy objective by:

- Recognising good SET employers and sharing good employment practice.
- Setting up and maintaining an expert women's database.
- Maintaining and disseminating statistics.
- Promoting innovation through developing support for initiatives such as mentoring, networking, speaker's bursaries and mobility.
- Supporting women scientists "returners" and co-ordinating the work of women in science organisations.

377. The UKRC has established links with over 70 major employers; 100 of these are currently working closely with the employers' team. 10 employers applied for the UKRC sponsored equality award as part of the Employer of the Year Awards. 11 Athena SWAN Charter awards were made to Higher Education Institutions in March 2006 to recognise excellence in the retention and progression of female scientists. The GetSET database was launched in January 2006 to support women's visibility. Pump Priming Ad Hoc Funding Grants, to promote innovation, have received 8 applications totalling almost £140,000. L'Oréal and UKRC's programme to help women scientists returning to work will enable 3 £10,000 bursaries to be granted to women scientists every year - 21 applications were received in round one. Over 200 women have successfully undertaken the Open University / UKRC online course for women "returners".

### **Science initiatives**

378. In addition to the National Science and Engineering Week, there are a variety of science festivals throughout the UK. The BA Festival of Science is one of the UK's biggest science festivals. Annually it attracts around 400 of the best scientists and science communicators from home and abroad who reveal the latest developments in research to a general audience, at a

week long event held at a different location each September. Next year, in 2008, the Festival will take place in York, hosted by the University of York. Other important science festivals include the Edinburgh International Science Festival, the Orkney International Science Festival and the Cheltenham Science Festival.

379. Science and Discovery Centres represent a £500 million capital investment in the nation's future to introduce a non-specialist public and schools to enjoy science in engaging and interactive ways, as part of the "education and lifelong learning" goals of government departments. Every year, there are approximately 11 million visitors to science centres who participate in activities ranging from the freedom to explore scientific phenomena (i.e. the visitor-led experience) to the educational and vocational. Many of the science centres cover the STEM (Science, Technology, Engineering and Mathematics) agenda. Specialist centres such as The National Space Science Centre and the Eden Project are recent examples; and more museums have set up "science centres". Launch Pad and Flight Lab at the Science Museum and Xperiment at the Manchester Museum of Science and Industry are other examples.

380. Science centres work closely with Education Business Partnerships, with Learning and Skills Councils (and their forebears) and in a number of cases are funded by the Government. In 2006, a £3.2 million Arts Award funding scheme was launched as part of The Wellcome Trust's Engaging Science programme to support arts projects that engage with biomedical science. This scheme builds on the success of previous initiatives such as Sciart, Pulse and Science on Stage and Screen.

381. Science museums also promote the understanding of science and technology. Important museums or scientific collections in the UK include the Natural History and Science Museums in London, the Museum of Science and Industry in Manchester, the Museum of the History of Science in Oxford and the Royal Scottish Museum in Edinburgh. The collections of the National Museums and Galleries of Wales show how innovations in science and technology gave rise to the development of the coal, slate and woollen industries in Wales. The museums' style of engaging the public is also evolving. For example, the Wellcome Trust has broken down traditional barriers between science and art through substantial investment in a range of exhibition initiatives, including recent shows at the Science Museum, British Museum and the TwoTen Gallery.

### **Research and development**

382. Most expenditure on research and development in the UK is undertaken by private industry either within industry itself or through contracts with university or other establishments. Expenditure on research and development in the UK in 2005 was £21,764 million, 1.76 per cent of GDP; of this, £7,130 million or 33% of the total expenditure, was provided by the Government. Government funding for research is provided to develop technology and the economic well being of the country in cooperation with industry and the scientific community, to strengthen the science and engineering base, and to serve particular departmental responsibilities.

383. The UK Foresight programme, and its associated horizon scanning centre, focuses on strategies for the future by providing a core of skills in science-based futures projects and access to leaders in government, business and science. The starting point for a project area is either: a

key issue where science holds the promise of solutions; or, an area of cutting edge science where the potential applications and technologies have yet to be considered and articulated. Foresight deals with issues of wide impact upon society - previous projects have included Flood and Coastal Defence, the Detection & Identification of Infectious Diseases, and Brain Science, Addiction & Drugs. Current Projects include Tackling Obesities. The Horizon Scanning Centre published two major scans looking ahead up to fifty years, covering both science and technology and the full public policy agenda.

384. The Office of Science and Innovation is responsible for a specific Science Budget designed to strengthen the science and engineering base by funding research and postgraduate training in universities and colleges of higher education and in establishments operated by the eight Research Councils, and to provide grants in aid for teaching and research by the Royal Society (for science) and the Royal Academy of Engineering. The Science Budget for the financial year 2007/08 is £3,451 million. In addition to the Science Budget, the Government provides approximately £1,500 million (2005/06) by means of block grant for scientific research in universities.

### **Monitoring the use of science and technology**

385. The UK has a comprehensive regulatory framework for monitoring the use of science and technology. This consists of a network of expert advisory and regulatory bodies which advise the Government on the safety of products and processes, such as the Advisory Committee on Releases to the Environment for genetically modified organisms (ACRE) and the Advisory Committee on Novel Foods and Processes (ACNFP) as well as the social and ethical aspects of science, such as the Commission on Human Medicines and the Gene Therapy Advisory Committee (GTAC).

386. Some scientific developments give rise to profound ethical and social issues. For example, modern biotechnology has the potential to change healthcare and agriculture significantly. The Human Genetics Commission and a number of other advisory bodies, including the Sustainable Development Commission (SDC), the Royal Commission on Environmental Pollution (RCEP), take account of the need for broader integration of biotechnology issues with wider agriculture and environment considerations.

### **International cooperation**

387. The Government makes an annual contribution to the UNESCO World Heritage Fund which helps to protect World Heritage Sites in danger, often in war affected countries. Since 1997, the UK has contributed to the World Heritage Convention and has, over the years, provided formal and informal training placements for large numbers of conservation professionals from overseas.

388. The UK Global Science and Innovation Forum is chaired by the UK Chief Scientific Advisor, and sets out the UK objectives and priorities for international collaboration in four areas: research excellence; innovation; global influence; and development. The Global Science and Innovation Forum also acts to coordinate activity across the main government departments and non governmental bodies in support of international collaboration. Significant areas of cooperation are the scientific programmes of the European Union. The Sixth Framework

Programme of the European Union, in which the UK participated in a large number of the projects, ran until 2002. The Seventh Framework Programme, which runs from 2007 to 2013, has a significantly increased budget and is structured in four main programmes: “Cooperation”, supporting trans-national collaboration in nine thematic areas; “Ideas”, launching a new European Research Council; “People”, to support the mobility and training of researchers; and “Capacities” to boost and network European research capacities in areas such as research infrastructures, and regional capacities. The 7<sup>th</sup> Framework Programme is generally open to participation from countries outside the European Union, and specific actions are included across the various programmes that target this participation. The budget for this Programme is approximately €54 billion.

389. The UK continues to participate in EUREKA which supports industry driven research and innovation projects between EUREKA member states. In the COST programme (European Cooperation in Science and Technical Research), the UK takes part in a large number of the actions supported. Other organisations in which the UK participates include the European Space Agency, the European Organisation for Nuclear Research, the European Synchronisation Radiation Facility, and the European Science Foundation.

## **Scotland**

### **Cultural policy**

390. To promote the rights of Scotland’s citizens to participate in the cultural life of their communities, the Scottish Executive proposes to introduce a policy of cultural entitlements through the Culture (Scotland) Bill. Put in its simplest form, a cultural entitlement is an opportunity to take part in cultural activity, either by active participation, or as an audience member. It is proposed that local authorities in Scotland will consult with local people about what cultural services they want, and develop local entitlements in response. This approach encourages local people to get involved in planning cultural services, and to take part in - and enjoy - the opportunities that result.

### **Gaelic language and culture**

391. Gaelic has been spoken in Scotland for over 1500 years. Although its use has declined over the centuries, it is still alive and an official language of Scotland, as well as a valuable part of Scotland’s diverse culture. Gaelic is a key part of Scotland’s cultural identity and especially that of the people of the Highlands and Islands. The 2001 Census recorded 65,674 people aged three or over as being able to speak, read, or write Gaelic - 1.3 per cent of the Scottish population. The number of people aged two or over who could speak, read, write or understand Gaelic was recorded for the first time and found to be 92,396, or 1.9 per cent of the population. The largest concentrations of Gaelic speakers live in Na h-Eileanan an Iar, the Highlands, and Argyll, but there are many more speakers to be found throughout the country, with the largest single concentration in Glasgow.

392. The Scottish Executive has been working hard since 1999 to strengthen the position of Gaelic in Scotland. In particular, we have introduced the Gaelic Language Act and invested record levels in Gaelic medium education. The Gaelic Language (Scotland) Act 2005 received Royal Assent in June 2005 and it commenced in February 2006. The purpose of the Act is to

help ensure a sustainable future for the Gaelic language by providing some direction to Gaelic development activities by taking a more strategic approach to how the public sector engages with the language. Under the Act, Bòrd na Gàidhlig is required to advise on matters relating to the Gaelic language, culture and education and to develop a National Gaelic Language Plan setting out strategies and priorities for the future development of the Gaelic language, culture and education. Bòrd na Gàidhlig will also be able to request Scottish public authorities to develop local Gaelic language plans which would set out how those bodies would use the Gaelic language.

393. The Scottish Executive has taken a number of important steps to extend and strengthen Gaelic education. Gaelic is now available at all levels of education with much improved resources and materials. In addition to core education funding, significant additional resources have been provided for local authorities to assist them with the delivery of Gaelic education. The Scottish Executive has sought to address the shortage of Gaelic teachers. A Gaelic Teachers' Action Group was established and made recommendations on the recruitment and retention of Gaelic teachers. Another working group is focusing on IT delivery and subject development, particularly at the secondary level. This group is working to expand Gaelic secondary provision and is considering new methods for delivering Gaelic medium education where teachers may not be available or where demand may be limited. The Gaelic arts also have a high profile in Scotland and are an important feature of Scottish cultural life. And Gaelic is also supported by local authorities, the Scottish Arts Council, Highlands and Islands Enterprise and a number of other public bodies.

## **Wales**

394. Iaith Pawb is the Welsh Assembly Government's National Action Plan for a Bilingual Wales which aims to put the Welsh Language at the heart of policy development in order to help create a bilingual Wales. It is about promoting and sustaining the use of the Welsh Language and providing the people of Wales with as much opportunity as possible to ensure they can use and learn the language, should they so choose, as part of their everyday life. The Assembly is committed to mainstreaming considerations of the Welsh language into the policy-making processes of all Assembly Ministerial portfolios. Ministers are required to report on progress against the Action Plan to their relevant subject committee on an annual basis. The Assembly's policies, legislation, initiatives and services will be consistent with the principles in this scheme and will reflect and be compatible with the bilingual nature of Wales. They will respect the principle that public services in Wales should treat Welsh and English on a basis of equality and support and facilitate the use of Welsh.

395. The Welsh Assembly Government has increased funding for the Arts Council of Wales from £14 million in 1998/99 to more than £27 million. There has also been investment in new venues, such as the Wales Millennium Centre and art venues offering more opportunities for artists to showcase and market their work. Wales Arts International, working with the British Council, has been responsible for a series of initiatives taking exhibitions and artists abroad. Creative Wales awards and awards under other grant schemes support artists in Wales and retain them in Wales whilst they forge international careers. Wales Trade International has also promoted Welsh art in various arenas and contexts.

396. The Arts Council of Wales promotes sales of works of art to individuals from public and commercial galleries using the Principality Collector plan Scheme, an interest free credit scheme. The scheme celebrated its 25<sup>th</sup> anniversary in 2005. The number of loans has increased by around 21% and the value in the scheme by 79% - from £477,771 in 2000 to £854,792 in 2004-5. The number of galleries participating in the scheme has grown from 61 in 2000 to 79 at present reflecting a growth in activity in the sector within Wales.

397. The Arts Council of Wales (ACW) and the Welsh Local Government Association signed a Memorandum of Understanding in 2005. Local Authorities meet regularly with Chief Officers of ACW to develop initiatives on broader strategy issues, for example Liverpool 2008, where ACW has been coordinating the project on behalf of the local authorities. Cabinet and Executive members with responsibility for culture in each Local Authority are members of the relevant ACW Regional Committee, supported by their Chief Officer.

398. Local Authorities are major funding partners in a number of venues across Wales, such as Flintshire's support for Clwyd Theatr Cymru. The Arts Council of Wales (ACW) works closely with Local Authorities to ensure financial sustainability and programme balance. ACW's regional teams liaise regularly with Local Authority Arts Development Officers on applications, projects and strategies, for example Conwy CBC, Gwynedd Council and Pembrokeshire, who work closely with ACW officers to share best practice. ACW liaises with NALGAO (National Association of Local Government Arts Officers) regionally and nationally and operates the Local Authority Investment Programme, providing up to £220,000 of Lottery funding per annum for Arts Development Officer posts. ACW and local authorities collaborate to provide theatre in education and young people's theatre, for example Cwmni'r Fran Wen supported by Gwynedd, Anglesey and Conwy. Local Authorities are also financial partners in the provision of community dance in North Wales with all 6 counties in North Wales supporting a dance network with a part-time dance officer in each county.

399. Denbighshire and Wrexham have developed Arts in Schools Agencies which work to co-ordinate the use of lottery money to facilitate artists in schools projects. Denbighshire County Arts Service and ACW have also developed pioneering arts in health provision in Conwy and Denbighshire NHS Trust, which is now being developed across the whole of North Wales with other authorities and NHS Trusts.

400. By working closely together, ACW and the Local Authorities have managed to increase the reach to many more schools in disadvantaged and less motivated areas, increase the spread of art forms and developed more exciting and innovative projects. There is also regular liaison between the ACW Night Out team and 21 of 22 Local Authorities.

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