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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1*

United Kingdom of Great Britain and Northern Ireland

The present report is a summary of 25 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004

* The present document was not edited before being sent to the United Nations translation services

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Amnesty International (AI) recommended the ratification of the Convention on the Rights of Persons with Disabilities²; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for Protection of All Persons from Enforced Disappearance and the First Optional Protocol to the ICCPR,³ Save the Children United Kingdom (SC United Kingdom) and AI recommended that the United Kingdom ratify the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography⁴.

2. The Children's Rights Alliance for England (CRAE) highlighted that while the United Kingdom ratified the CRC in 1991, it has only ratified one of the Convention's two Optional Protocols (on the involvement of children in armed conflicts), and the latter with such a far-reaching declarative interpretation as to make its ratification effectively meaningless.⁵ SC United Kingdom mentions that the United Kingdom continues to have two reservations in place on the CRC despite calls from the Committee on the Rights of the Child⁶ in 1995 and 2002 to remove them. SC United Kingdom noted that there has been no progress on removing the general reservation on immigration and citizenship, which is described by the Committee as "against the object and purpose of the Convention" and thus recommended its withdrawal.⁷ CRAE also recommended the withdrawal of the reservation to the CRC concerning segregation of children from adults in detention and provision that all detained children are held separately from adults, as well as withdrawal of the reservation concerning refugee and asylum seeking children.⁸

B. Constitutional and legislative framework

3. In 2007 British Irish Rights Watch (BIRW) noted a Government proposal to establish "A Bill of Rights and Duties" for Britain, which will draw upon and add to the provisions of the Human Rights Act, and therefore the European Convention on Human Rights (ECHR) and its corresponding articles in the ICCPR.⁹

C. Institutional and human rights structure

4. CRAE noted that in October 2007 the Equality and Human Rights Commission (EHRC) was established as the United Kingdom's first national human rights institution. The EHRC is a non-departmental public body established under the Equality Act 2006 – accountable for its public funds, but independent of Government.¹⁰ CRAE very much welcomed the appointment of a Children's Commissioner in England in 2005, although it had serious reservations about the Commissioner's narrow remit (to promote awareness of children's views and interests, rather than to promote and protect their human rights), limited independence and lack of powers.¹¹

5. BIRW noted that under the terms of the Good Friday peace agreement in Northern Ireland, the United Kingdom established the Northern Ireland Human Rights Commission (NIHRC).¹² The NIHRC is accredited with 'A' status by the International Co-ordinating Committee of National Human Rights Institutions, and is the only accredited NHRI in the United Kingdom. The NIHRC mentioned that the Equality and Human Rights Commission, in Great Britain, is seeking accreditation.¹³

6. The NIHRC has repeatedly sought an increase in its resources and powers in order to be able to function effectively, according to BIRW. Most recently, in response to these

requests, the Justice and Security (Northern Ireland) Act 2007 introduced a number of changes to the Commission's powers, which are generally to be welcomed. However, BIRW is concerned that these changes do not go far enough. Further, the NIHRC has not been designated as a national preventive mechanism under the Optional Protocol to the Convention Against Torture, which the United Kingdom ratified in December 2003. According to BIRW, the designation process lacks transparency and clarity, and there has been a marked failure to adequately consult with and consider representations from civil society in relation to their potential to become a designated mechanism.¹⁴

D. Policy measures

7. The Crucible Center (CC) observed that Citizenship' was introduced into the National Curriculum for England by the Department for Education and Skills, at first for primary schools in 2000 and then extended to secondary schools by 2002. At present human rights education is not part of the national curriculum but the CC was of the opinion that it is under the umbrella of citizenship that human rights can best be taught.¹⁵

8. The Action Plan on Tackling Human Trafficking (2007) created to coincide with the bicentenary of the Abolition of the Slave Trade Act recognises, according to the CC, outlines the key measures that a combination of many governmental agencies will be addressing in order to tackle all forms of trafficking and slavery. The plan also highlights the increased enforcement activity that the United Kingdom Human Trafficking Centre will undertake, and outlines proposals for future work.¹⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non-discrimination

9. According to the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE ACFC), notwithstanding the United Kingdom's particularly advanced approach to promoting non-discrimination and equality, inequalities continue to affect persons belonging to minority ethnic communities in the fields of employment, education, housing, health and access to justice. Negative and inaccurate reporting by certain sectors of the media is contributing to hostile attitudes towards certain groups, in particular Gypsies and Travellers, asylum seekers, migrant workers and Muslims. There has been an increase in incidents motivated by racist and religious hatred recorded in different parts of the country. CoE ACFC added that there is a need to identify further ways of promoting the participation of persons belonging to minority ethnic communities in public affairs, including by stepping up consultations and other forms of dialogue with the broadest possible spectrum of minority representatives.¹⁷

10. The CRAE highlighted that lesbian, gay and bisexual people (including children) have recently gained new protection with the passing of The Equality Act (Sexual Orientation) Regulations 2007, which make it unlawful to discriminate in the provision of goods, facilities and services on grounds of sexual orientation. The Government announced in 2007 its plan to introduce legal protection from incitement to hatred on the grounds of sexual orientation.¹⁸

11. The NIHRC is deeply concerned at the persistent inequalities facing the Irish Traveller community in all walks of life. Despite the Committees on the Elimination of Racial

Discrimination, on Economic, Social and Cultural Rights and on the Rights of the Child consistently urging Government to address these inequalities the Traveller community has seen little to no improvement in the protection of its fundamental human rights to, for example, social housing, education, health care and employment opportunities.¹⁹

2. Right to life, liberty and security of the person

12. The Council of Europe Committee for the Prevention of Torture (CoE CPT) expressed its concern that if the police currently do have the authority to deny access to any lawyer for up to 48 hours, the United Kingdom authorities should amend the relevant legal provisions so as to remove that authority and ensure that all persons arrested have the right of access to a lawyer from the outset of their deprivation of liberty.²⁰

13. AI is concerned at attempts by the United Kingdom authorities to deny, or limit, the applicability of their obligations under international human rights treaties and domestic human rights law in relation to the conduct of the United Kingdom's armed forces overseas. AI highlights that both the Committee against Torture²¹ and the United Kingdom parliamentary Joint Committee on Human Rights have expressed concern at the narrow view taken by the United Kingdom of the extraterritorial application of the Convention against Torture. The United Kingdom government has contended that the acts of the United Kingdom service personnel overseas "comply with the prohibitions set out in the Convention", but that the United Kingdom is not required to ensure compliance with the "broader obligations under the Convention, such as those in Articles 2 and 16 to prevent torture or other acts of cruel, inhuman or degrading treatment or punishment", even in overseas territory over which its forces are exercising de facto control.²² AI is similarly concerned at attempts by the United Kingdom to deny or limit the applicability of the ECHR, and of the domestic Human Rights Act, which is supposed to provide a remedy before the United Kingdom courts for violations of rights protected by the ECHR, to individuals who suffer violations of ECHR rights through the conduct of United Kingdom service personnel overseas. In this context AI drew the attention of the Council to the cases of two individuals who died whilst detained by United Kingdom forces in Iraq.²³ AI calls on the United Kingdom to make clear that any individual arrested or detained by United Kingdom service personnel abroad should be considered to be within the jurisdiction of the United Kingdom from the moment of arrest, wherever that arrest or detention takes place, and should therefore be afforded all the protection of human rights envisaged both by the HRA and by the United Kingdom's international obligations.²⁴

14. Front Line (FL) was concerned by the failure of the United Kingdom government to hold an independent public judicial inquiry into the case of Patrick Finucane. FL reported that in 2003 the European Court of Human Rights found that the proceedings for investigating his death failed to provide a prompt and effective investigation into the allegations of collusion by security personnel. As a result of national and international pressure, the United Kingdom and Irish governments appointed Justice Peter Cory to investigate the killing. The Cory Collusion Inquiry Report (published in 2004) recommended that a public inquiry should take place without delay, clearly indicating the type of public inquiry required - that provided for in the 1921 Tribunal of Inquiries Act. To date the United Kingdom Government has failed to set up the type of public inquiry recommended by Judge Cory.²⁵

15. As stated by the Global Initiative to End All Corporal Punishment (GIEACP), corporal punishment is lawful in the home in the United Kingdom, in all of the Overseas Territories and in the Crown Dependencies. Corporal punishment is prohibited in schools in the United

Kingdom, but is allowed in many of the Overseas Territories and Crown Dependencies.²⁶ GIEACP called on the United Kingdom to introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home, and ensure that its overseas territories and colonial dependencies take similar measures.²⁷

16. According to the National Society for the Prevention of Cruelty to Children (NSPCC), in failing to afford children equal protection under the law on assault, the United Kingdom Government is in breach of its human rights obligations under Articles 2, 3 and 19 of the Convention on the Rights of the Child, and other human rights instruments.²⁸

17. According to two academics from the London School of Economics (LSE) and the London Metropolitan University (LMU), there is fragmentation and incoherence in the government's work against violence against women. The government has no Plan of Action on violence against women. Whilst there are three inter-ministerial groups on violence, there is still no strategic oversight body, such as a Commission on Violence against Women or an Observatory. There is no clarity as to how violence against women will be integral to the work of the Equality and Human Rights Commission.²⁹ Two academics from the LSE and the LMU called on the United Kingdom to ensure, within a short time frame, inter alia: a long-term, holistic, integrated strategy on violence against women, to include prevention work; coherent strategic oversight of this area within government and outside of it; amendments to the asylum seeker assessment procedures to ensure that female asylum seekers are better enabled to report the gender-based violence to which they may have been subjected.³⁰

18. The CC highlighted that domestic violence is a pressing issue within the United Kingdom as it makes up 16 per cent of all violent crimes. It praised the United Kingdom government's investment of £14 million into tackling the problem of domestic violence and the development of a Domestic Violence National Action Plan.³¹ According to two academics from the LSE and the LMU, the new recommended definition of domestic violence in Wales and England oddly combines a number of different forms of violence under this heading, is confusing and an unhelpful framework. It is not in line with the thinking or definitions contained in international law.³²

19. The NIHRC is concerned that the Police Service of Northern Ireland has proposed to introduce the TASER™ electric stun weapon in advance of completing the Equality Impact Assessment required by law, and without fully demonstrating compliance with human rights standards.³³

3. Administration of justice and the rule of law

20. The NIHRC stated that Northern Ireland is in transition from a long period of conflict in which some 3,700 people died, in most cases without successful prosecution of the perpetrators. In 2005, despite opposition from the NIHRC and other human rights organisations, the Inquiries Act replaced all other legal bases for the running of inquiries, including those into controversial deaths that have taken place during the Northern Ireland conflict³⁴, in some cases with allegations of state collusion.³⁵ AI stated that the Inquiries Act 2005 gravely undermined the possibility of public scrutiny of, and accountability for, state abuses in the United Kingdom.³⁶ AI urged the United Kingdom authorities to repeal or amend the Inquiries Act, and to create a genuinely independent mechanism for judicial inquiries into serious allegations of human rights violations.³⁷ BIRW considered that the Inquiries Act undermines the rule of law, the independence of the judiciary and human rights protection, and therefore fails to provide for effective, independent, impartial or thorough

and therefore fails to provide for effective, independent, impartial or thorough public judicial inquiries into serious human rights violations.³⁸

21. AI observed that appeal proceedings against orders for deportation on “national security” grounds, which take place before the Special Immigration Appeals Commission, are profoundly unfair. They deny individuals the right to a fair hearing, including because they are heavily reliant on closed hearings in which secret information, including intelligence material, is considered in the absence of the individuals concerned and their lawyers of choice.³⁹ AI called on the United Kingdom authorities to reform SIAC procedures to bring them into line with international standards for a fair hearing;⁴⁰

22. SC United Kingdom and the Commission on Families and the Wellbeing of Children (CFWC) observed that the age of criminal responsibility in the United Kingdom is much too low - 10 years in England, Wales and the Northern Ireland and 8 years in Scotland. This is lower than most European countries.⁴¹ The NIHRC added that there is no coherent multi-agency strategy to respond to the needs of children in conflict with the law who are diagnosed as mentally ill or with behaviour or personality disorder.⁴² SC United Kingdom recommends that the United Kingdom should raise considerably the age of criminal responsibility⁴³, and the CFWC recommends that it should be raised to 12.⁴⁴

23. The CRAE observed that the United Kingdom falls far short of its international human rights obligations in its treatment of children in conflict with the law. The CRAE reported that the United Kingdom is the biggest child incarcerator in Western Europe. Twenty nine children have died in custody in the last 17 years, and the United Kingdom has never held a public inquiry into a child’s death in custody. Inquests this year into the tragic deaths in 2004 of two teenage boys, both following the use of restraint, revealed serious failings by the Government and the Youth Justice Board.⁴⁵ The CRAE added that the Government has set up a welcome independent review of physical restraint of children in custody. However, in the meantime it allows staff in privately run child prisons to use very painful nose, rib and thumb ‘distraction’ techniques and, in July 2007, introduced regulations that allow such techniques to be used to achieve good order and discipline. This effectively introduces corporal punishment into secure training centres – places of detention for children as young as 12.⁴⁶

24. SC United Kingdom highlighted that Anti-Social Behaviour legislation in England and Wales continues to allow children to be named and shamed despite a recommendation by the Committee on the Rights of the Child⁴⁷ to ensure that the privacy of children is protected.⁴⁸

4. Right to privacy, marriage and family life

25. According to Liberty and Justice (L & J), data retention and dissemination in the United Kingdom is increasing apace. Concerns have also been growing over the massive expansion of the National DNA Database. Samples of DNA can be permanently retained from anyone arrested for a recordable offence even if they are subsequently released without charge. In order to provide a counterbalance to these trends L & J believe it is necessary to bolster privacy protection. This would include providing stronger statutory protection covering data protection and the use of CCTV, increasing the powers and resources of the Information Commissioner’s Office and introducing greater transparency and accountability to privacy invasive practices.⁴⁹

26. According to the Commonwealth Human Rights Initiative (CHRI), the Freedom of Information Act 2000 is a functioning Act which has produced a substantial amount of previously undisclosed information. The Government, however, has acted contrary to its

earlier promises by making several attempts to curtail the ambit of the Act through amendments. There now seem to be some positive developments with the Government considering widening the scope of the Act to include certain private organisations.⁵⁰

27. The NIHRC highlighted that female prisoners in Northern Ireland are still kept far from their families. In Northern Ireland there is only one woman's prison, based in Belfast, so families from the north or west have considerable distances to travel for short visits.⁵¹

5. Right to an adequate standard of living

28. The levels of child poverty are, according to SC United Kingdom, unacceptably high – with 3.8 million children living below the poverty line and 1.3 million children living in severe poverty. The Government missed its target (set in 1999) of reducing child poverty by a quarter in 2006. In 2007, child poverty levels rose for the first time in seven years. It now looks increasingly likely that, without significant policy intervention, the Government's target of halving child poverty by 2010 will be substantially missed.⁵² SC United Kingdom recommends that the United Kingdom should allocate the additional funds needed to meet its target of halving child poverty by 2010 as a matter of urgency.⁵³

29. The NIHRC noted that according to Government figures, 29 per cent of children in Northern Ireland are living in poverty. It welcomes recent government targets for ending child poverty in the region by 2020, halving child poverty by 2010 and ending severe child poverty by 2012. Given that there has been little progress made in reducing child poverty, the Commission considers that the Northern Ireland Assembly should be asked to demonstrate clearly how its budget and actions will achieve these targets.⁵⁴

30. According to the Northern Ireland Women's European Platform (NIWEP), the 1967 Abortion Act was not extended to Northern Ireland and therefore women in Northern Ireland are generally denied access to a service which is provided under the National Health System to women living in other parts of the United Kingdom. Although abortion is legally permissible in certain situations in Northern Ireland the Law is unclear. Rape, incest and foetal abnormality are not grounds for abortion in Northern Ireland.⁵⁵

31. The number of people suffering poor mental health in Northern Ireland and claiming Disability Living Allowance is three times higher than in Great Britain, states the NIHRC. The difference between the jurisdictions is significant and appropriate resources and strategies are required for addressing the mental health needs of individuals in Northern Ireland.⁵⁶

32. ActionAid International (AAI) mentioned that as home to some of the world's largest private corporations, one of the main ways in which the Government can fulfil its international human rights obligations is through regulation of the extraterritorial impacts of British companies. Recent AAI research has identified several cases of human rights violations (in terms of right to housing, food, education and water) which have involved United Kingdom-based corporations and where Government action could have reduced the likelihood of people experiencing rights violations outside the territorial borders of the United Kingdom. AAI strongly urges the government to promote extraterritorial obligations by mainstreaming these across government departments, including efforts to increase capacity to analyse the implications of United Kingdom policies on human rights outside its territory, especially trade and investment policies.⁵⁷

6. Right to education

33. SC United Kingdom stated that the educational attainment of some groups of children are significantly below the national average – specifically among working class White males and children from some minority ethnic groups such as Gypsy/Traveller children and Black and Asian children. Children in custody in England and Wales remain excluded from the statutory right to education under Section 562 of the Education Act 1996 despite the Committee on the Rights of the Child⁵⁸ urging the Government to address this inequality.⁵⁹ SC United Kingdom recommends that the United Kingdom Government should: put more resources into addressing inequalities in the educational attainment of disadvantaged children and young people, including: the poorest children, looked after children, Gypsy/Traveller children, disabled children and those with additional support needs; considerably reduce school exclusions; and give children in custody a statutory right to education.⁶⁰

7. Migrant, refugees and asylum seekers

34. AI estimated that more than 280,000 refused asylum seekers are destitute in the United Kingdom; they are not permitted to work and they no longer receive asylum support. The United Kingdom Borders Act, passed in October 2007, failed to address this problem.⁶¹ The CC observed that since the mid-1990s, policies and legislation for refugees and asylum-seekers in the United Kingdom have become increasingly restrictive.⁶² These government policies, argued two academics from the LSE and LMU, disperse asylum seekers outside urban areas in which networks and support services are established. Many find their dispersal places inhospitable and travel to London in search of community support. Once in London many end up homeless. These approaches differentially affect women who have been subjected to gender-based violence. They isolate such women from each other and from communities and services that could support them.⁶³ Two academics from the LSE and LMU stated that gender-based persecution is not consistently recognised as grounds for asylum.⁶⁴ According to AI, women who are subject to immigration control and have experienced violence in the United Kingdom, including domestic violence and trafficking, find it almost impossible to access housing benefit or income support, as a result of the ‘no recourse to public funds’ rule.⁶⁵

35. FIACAT (International Federation of Action by Christians for the Abolition of Torture) and ACAT (Action by Christians for the Abolition of Torture) United Kingdom observed that detention conditions for asylum seekers are harsh and crowded. Security is strict, with limited freedom. Women and children suffer particularly. Families have to share kitchen facilities and utensils, which can create problems when they are from different ethnic and religious groups. There is a constant fear of violence.⁶⁶

36. The CRAE affirmed that the United Kingdom is still failing to meet its obligations stemming from the CRC to protect refugee and asylum seeking children. Apart from suspected terrorists, asylum seekers – including children - are the only persons in the United Kingdom who can be detained without any judicial scrutiny.⁶⁷ SC United Kingdom adds that the four United Kingdom Children’s Commissioners have also expressed “profound” concern about the detention of children. In 2006, 1,235 asylum-seeking children were detained with their families for between 7-268 days.⁶⁸ SC United Kingdom recommends that the United Kingdom end the detention of asylum-seeking children in families in immigration removal centres. It further recommends that the United Kingdom scrutinise the Unaccompanied asylum seeker children reform proposals against the framework of the CRC.⁶⁹

37. There is increasing concern over the development of dual systems of care and support – one for citizen children and one for asylum seeking, trafficked and other children who are subject to immigration controls, SC United Kingdom informed. Asylum seeking families still receive much fewer benefits than other destitute families and access to education remains subject to unacceptable barriers.⁷⁰ AI recommended that refused asylum seekers who cannot be safely returned should be granted a form of temporary leave to remain that allows them to work and access support while in the United Kingdom.⁷¹

38. According to the Asylum Support Appeals Project (ASAP), in case the United Kingdom decides to refuse or withdraw housing and welfare support, asylum seekers have a right of appeal to a specialist administrative tribunal in the United Kingdom. However, ASAP was concerned that there is no public funding available for legal representation for asylum seekers at these hearings. As a result many appellants attend their hearings unrepresented and unadvised, leaving them unable to defend themselves adequately against possible destitution and homelessness.⁷²

39. Médecins du Monde United Kingdom noted that the National Health Service provides primary and secondary care, free at the point of service. In 2004 a change in regulations resulted in limits placed on migrants' access to secondary care. There is a pending proposal to place similar restrictions on primary care. This also raises issues as to whether pregnant women are in fact able to access primary care and hospital maternity care free of charge. Médecins du Monde United Kingdom was concerned that the government is now seeking to go even further in limiting access and is doing so without a proper economic or public health analysis.⁷³

8. Human rights and counter-terrorism

40. CHRI noted that counter-terrorism has impacted on the country's tolerance of torture. When the question of the admissibility of evidence obtained under torture reached the House of Lords, the Lords unanimously declared torture unacceptable. However, they somehow contradicted this strong statement by asserting that it had to be established that the information was obtained under torture. In practice, it is impossible to establish such facts, in particular in cases of outsourcing torture with reduced visibility and information about the place and conditions of detention.⁷⁴

41. Human Rights Watch (HRW) noted that one of the most damaging counterterrorism policies pursued by the United Kingdom has been its effort to circumvent the global ban on torture and cruel, inhuman or degrading treatment or punishment by seeking diplomatic assurances against torture as a means of deporting foreign terrorism suspects to countries where they face the risk of such treatment. The government has agreed "memoranda of understanding" (MOUs) with several governments to permit the deportation of terrorism suspects based on assurances of humane treatment upon return. It has sought to negotiate similar agreements with other governments as well. According to HRW, these governments all have well-documented records of torture, particularly of those suspected of involvement in terrorism or radical Islamism.⁷⁵ Arrangements for post-return monitoring included in the memorandums fail to provide an added measure of protection, as the government asserts, because of the lack of confidentiality and the consequent risk of reprisals inherent in monitoring an isolated detainee.⁷⁶ HRW urged the United Kingdom to cease reliance on diplomatic assurances against torture and ill-treatment as a means of removing foreign terrorism suspects at risk of such treatment on return, regardless of whether or not these unenforceable pledges are formalized in MOUs.⁷⁷

42. AI mentioned that on 6 November 2007 the government announced a proposal for another piece of counter-terrorism legislation, the sixth major piece of legislation aimed at countering terrorism since the current government came to power in 1997.⁷⁸ This proposed legislation could raise the maximum limit of pre-charge detention to 56 days.⁷⁹ AI is absolutely opposed to any further extension, considering that 28 days (HRW mentions that this is by far the longest in the European Union⁸⁰) – and indeed the previous limit of 14 days – is already too long. Anybody held on suspicion of having committed an extremely serious offence, such as murder, under ordinary United Kingdom criminal law may be held without charge for a maximum period of four days.⁸¹ HRW urged the United Kingdom to reject any further extension of pre-charge detention and improve safeguards for the existing period.⁸² HRW also urged the United Kingdom to amend the definition of terrorism in United Kingdom legislation to tighten the language with respect to the purpose of a terrorist act so as to limit its potential misapplication against peaceful protesters. At a minimum, an act of terrorism should be defined as an act aimed at “intimidating” or “coercing” the government into taking or abstaining from any action.⁸³

43. By introducing such legislation there is the potential that affected communities will become alienated consequently losing trust in the authorities and being less likely to cooperate with the police.⁸⁴ The Kurdish Human Rights Project mentioned that other proposed changes include a new criminal offence of seeking ‘information which could be useful for terrorism’, post-charge questioning and travel restrictions for ‘suspects’.⁸⁵

44. According to the Islamic Human Rights Commission (IHRC), current pre-charge detention is in Paddington Green police station where detainees are held in a solitary cell without access to sunlight or many of the amenities prisoners receive.⁸⁶ The CoE CPT reiterated, after its visit to the United Kingdom in 2005, that the present conditions at Paddington Green High Security Police Station are not adequate for prolonged periods of detention.⁸⁷

45. HRW was troubled by the government’s use of control orders for terrorism suspects that severely restrict liberty. The current control order regime, introduced by the Prevention of Terrorism Act 2005, imposes such serious restrictions on an individual’s movement, association, privacy and other human rights as to make them equivalent to criminal sanctions without trial.⁸⁸ The IHRC added that under control orders, the imposing of curfews, electronic tagging, restrictions on the use of telephones (and mobile phones and the Internet) and restrictions on visits by relatives and friends, even of children, have turned homes into prisons for the family as a whole. The proposal to make it easier for the court to order the forfeiture of complex assets, such as a house and a flat of a convicted terrorist would punish the family.⁸⁹ HRW urged the United Kingdom to improve safeguards for the imposition of control orders. Such safeguards include: a) control orders should be imposed only by a court and only through a process in which credible evidence of necessity is presented to the court and the person subject to the order; b) The criminal standard of proof (“beyond a reasonable doubt”) should be applied in the determination of necessity; c) control orders should be time-limited and open to rescission and amendment on the presentation of new evidence.⁹⁰

46. Another area of grave concern for HRW is undue infringements on freedom of expression in the context of the fight against terrorism. The Terrorism Act 2006 introduced the crime of “encouragement of terrorism,” defined broadly as covering statements “likely to be understood...as a direct or indirect encouragement or other inducement to...the commission, preparation or instigation of acts of terrorism,” including any statement that “glorifies the commission or preparation (whether in the past, the future or generally) of such acts.” HRW urged the United Kingdom to repeal the offense of “encouragement of

terrorism” in the Terrorism Act 2006 and reaffirm the importance of freedom of expression in a democratic society.⁹¹ The IHRC noted that these provisions will also affect researchers, journalists, students, and curious teenagers who surf the web trying to find alternative media sources.⁹²

47. AI noted that the United Kingdom continues to refuse to initiate an adequately thorough and independent inquiry into allegations of United Kingdom involvement in the programme of secret detentions and renditions, and called on United Kingdom authorities to establish an independent inquiry into all cases where there are credible allegations that individuals have suffered human rights violations as a result of the United Kingdom’s alleged involvement in the programme of renditions and secret detention.⁹³ On 25 July 2007 a report of the investigation by the Intelligence and Security Committee (ISC) into allegations of United Kingdom complicity in renditions was made public, in a partially redacted form. AI considered that the ISC’s investigation into renditions was not sufficient to discharge the United Kingdom’s obligations under international human rights law, including because the ISC is inadequately independent from the executive.⁹⁴

48. AI also called on the United Kingdom to repeal the Prevention of Terrorism Act 2005 and commit themselves to charging people suspected of involvement in terrorism with a recognizably criminal offence and bringing them to a fair trial.⁹⁵

49. ECRI recommended that the United Kingdom review its legislation against terrorism in order to eliminate discrimination in its provisions and in its implementation and that it assesses the impact of legislation and policies against terrorism on race relations.

9. Situation in or in relation to specific regions or territories

50. Minority Rights Group (MRG) highlighted the situation of the Ilios people on the British Indian Ocean Territory (i.e. the Chagos Islands, including Diego Garcia). From 1965 onwards the United Kingdom began removing the inhabitants of the Chagos Islands. The last inhabitants were removed from the Chagos Archipelago in 1973, mostly to Mauritius. The Ilios have been challenging the legality of their expulsion and fighting for the right to return to their islands. In May 2007 the United Kingdom courts ruled for a third time that the removal of the inhabitants was illegal and the government’s use of royal prerogative to override the first judgement was also illegal. MRG also noted that despite the recommendation of the Human Rights Committee⁹⁶ in 2001 that the United Kingdom should include the territory in its next periodic report, the Government has not included BIOT in its latest periodic report⁹⁷ submitted on 18 May 2007.⁹⁸

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

51. As noted by CRAE, in October 2007, the Equality and Human Rights Commission was established as the United Kingdom’s first national human rights institution. The CRAE considers the creation of the EHRC a very positive step forward.⁹⁹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

52. [n/a]

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

53. [n/a]

Notes

¹ The following stakeholders have made a submission (all original submissions are available in full text on: www.ohchr.org):

Note: * NGOs with ECOSOC status.

** National Human Rights Institution with A status.

Civil Society:

ActionAid International (AAI)*, UPR Submission, November 2007

Amnesty International (AI)*, UPR Submission, November 2007

Asylum Support Appeals Project (ASAP), UPR Submission, November 2007

British Irish Rights Watch (BIRW), UPR Submission, November 2007

Children's Rights Alliance for England (CRAE), UPR Submission, November 2007

Commission on Families and the Wellbeing of Children (CFWC), UPR Submission, November 2007

Commonwealth Human Rights Initiative (CHRI)*, UPR Submission, November 2007

Frontline (FL) *, UPR Submission, November 2007

Global Initiative to End All Corporal Punishment of Children (GIEAPC), UPR Submission, November 2007

Human Rights Watch (HRW)*, UPR Submission, November 2007

Islamic Human Rights Commission (IHRC), UPR Submission, November 2007

Joint submission by Justice and Liberty (J & L), UPR Submission, November 2007

Joint submission by the International Federation of Action by Christians for the Abolition of Torture (FIACAT)* and Action by Christians for the Abolition of Torture (ACAT) United Kingdom, UPR Submission, November 2007

Kurdish Human Rights Project (KHRP), UPR Submission, November 2007

Médecins du Monde United Kingdom (MM United Kingdom)*, UPR Submission, November 2007

Minority Rights Group International (MRG)*, UPR Submission, November 2007

National Society for the Prevention of Cruelty to Children (NSPCC), UPR Submission, November 2007

Northern Ireland Women's European Platform (NIWEP)*, UPR Submission, November 2007

Save the Children United Kingdom (SC UK)*, UPR Submission, November 2007

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-Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20-25 November 2005, CPT/Inf (2006)

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³ Amnesty International, UPR submission, November 2007, p. 1. See also British Irish Rights Watch, UPR submission, November 2007, p. 1.

⁴ Amnesty International, UPR submission, November 2007, p. 1, SC United Kingdom UPR Submission, November 2007, p.1,

⁵ Children's Rights Alliance for England, UPR submission, November 2007, p. 1. See also Save the Children United Kingdom, UPR submission, November 2007, p. 1.

⁶ See CRC/C/15/Add.188, Concluding observations, 2002, quoted by Save the Children United Kingdom, UPR submission, November 2007, p. 1

⁷ Save the Children United Kingdom, UPR submission, November 2007, p. 1. See also Northern Ireland Human Rights Commission, UPR submission, November 2007, p. 3.

⁸ Children's Rights Alliance for England, UPR Submission, November 2007, para. 3.5.

⁹ British Irish Rights Watch, UPR submission, November 2007, p. 4.

¹⁰ Children's Rights Alliance for England, UPR Submission, November 2007, p. 2.

¹¹ Children's Rights Alliance for England, UPR Submission, November 2007, p. 3.

¹² British Irish Rights Watch, UPR submission, November 2007, para. 4.2.

¹³ Northern Ireland Human Rights Commission, UPR submission, November 2007, p. 1.

¹⁴ British Irish Rights Watch, UPR submission, November 2007, p. 3, 4.

¹⁵ Crucible Centre (Roehampton University), UPR Submission, November 2007, p.1.

¹⁶ Crucible Centre (Roehampton University), UPR Submission, November 2007, p.2.

¹⁷ Submission by CoE to the UPR, November 2007, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on the United Kingdom adopted on 6 June 2007, ACFC/OP/II(2007)003 p. 1. See also Submission by CoE to the UPR, November 2007, European Commission on Racism and Intolerance, CRI (2005) 27, p. 1.

¹⁸ Children's Rights Alliance for England, UPR Submission, November 2007, p. 3.

¹⁹ Northern Ireland Human Rights Commission, UPR submission, November 2007, para. 12. See also Submission by CoE to the UPR, November 2007, European Commission on Racism and Intolerance, CRI (2005) 27, executive summary..

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- ²³ Amnesty International, UPR submission, November 2007, p. 1.
- ²⁴ Amnesty International, UPR submission, November 2007, p. 1.
- ²⁵ Frontline, The International Foundation for the Protection of Human Rights Defenders, UPR Submission, November 2007, pp. 1-2. See also Amnesty International, UPR submission, November 2007, p. 5.
- ²⁶ Global Initiative to End All Corporal Punishment of Children, UPR submission, November 2007, p. 2 and 3. See also Children’s Rights Alliance for England, UPR submission, November 2007, p. 5.
- ²⁷ Global Initiative to End Corporal Punishment of Children, UPR Submission, November 2007, p. 1.
- ²⁸ National Society for the Prevention of Cruelty to Children, UPR submission, November 2007, p. 1. See also Save the Children United Kingdom, UPR submission, November 2007, p. 3.
- ²⁹ Prof. Sen (London School of Economics) and Prof. Kelly (London Metropolitan University), UPR Submission, November 2007, p. 4. See also Amnesty International, UPR submission, November 2007, p. 5.
- ³⁰ Prof. Sen (London School of Economics) and Prof. Kelly (London Metropolitan University), UPR Submission, November 2007, p. 7.
- ³¹ Crucible Centre (Roehampton University), UPR Submission, November 2007, p.2.
- ³² Prof. Sen (London School of Economics) and Prof. Kelly (London Metropolitan University), UPR Submission, November 2007, p. 9.
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- ³⁴ British Irish Rights Watch, UPR submission, November 2007, para. 3.4.
- ³⁵ Northern Ireland Human Rights Commission, UPR submission, November 2007, p. 2.
- ³⁶ Amnesty International, UPR submission, November 2007, p. 3, 5.
- ³⁷ Amnesty International, UPR submission, November 2007, p. 3.
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- ⁴⁰ Amnesty International, UPR submission, November 2007, p. 4.
- ⁴¹ Save the Children United Kingdom, UPR submission, November 2007, p. 4. See also Northern Ireland Human Rights Commission, UPR submission, November 2007, p. 3 and Commission on Families and the Wellbeing of Children, UPR submission, November 2007, p. 1.
- ⁴² Northern Ireland Human Rights Commission, UPR submission, November 2007, para. 15.
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- ⁴⁵ Children’s Rights Alliance for England, UPR Submission, November 2007, p. 4. See also Save the Children United Kingdom, UPR submission, November 2007, p. 4.
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- ⁴⁸ Save the Children United Kingdom, UPR submission, November 2007, p. 4.
- ⁴⁹ Joint submission by Justice and Liberty (The National Council for Civil Liberties), UPR Submission, November 2007, p. 8.
- ⁵⁰ Commonwealth Human Rights Initiative, UPR Submission, November 2007, p.4.
- ⁵¹ Northern Ireland Human Rights Commission, UPR submission, November 2007, para. 21. See also Northern Ireland Women’s European Platform, UPR submission, November 2007, p. 2.
- ⁵² Save the Children United Kingdom, UPR submission, November 2007, p. 4.

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- ⁵⁴ Northern Ireland Human Rights Commission, UPR submission, November 2007, para. 16.
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- ⁶² Crucible Centre (Roehampton University), UPR Submission, November 2007, p.3.
- ⁶³ Prof. Sen (London School of Economics) and Prof. Kelly (London Metropolitan University), UPR Submission, November 2007, p. 5.
- ⁶⁴ Prof. Sen (London School of Economics) and Prof. Kelly (London Metropolitan University), UPR Submission, November 2007, p. 6.
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- ⁶⁷ Children's Rights Alliance for England, UPR submission, November 2007, p. 4.
- ⁶⁸ Save the Children United Kingdom, UPR submission, November 2007, p. 3.
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- ⁷⁴ Commonwealth Human Rights Initiative, UPR Submission, November 2007, p.5.
- ⁷⁵ Human Rights Watch, UPR Submission, November 2007, pp.1-2.
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- ⁷⁷ Human Rights Watch, UPR Submission, November 2007, p. 6.
- ⁷⁸ Amnesty International, UPR submission, November 2007, p. 4.
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- ⁸⁴ Crucible Centre (Roehampton University), UPR Submission, November 2007, p.4.

⁸⁵ Kurdish Human Rights Project (KHRP), UPR Submission, November 2007, p.2.

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