



General Assembly

Distr.
GENERAL

A/HRC/8/25
23 May 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Eighth session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

United Kingdom of Great Britain and Northern Ireland *

* Previously issued under the symbol A/HRC/WG.6/1/GBR/4; minor revisions have been added under the authority of the secretariat of the Human Rights Council, on the basis of editorial changes made by States through the ad referendum procedure. Annex is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its first session from 7 to 18 April 2008. The review of the United Kingdom of Great Britain and Northern Ireland was held at the 7th meeting on 10 April 2008. The delegation of the United Kingdom was headed by H.E. Michael Wills, Minister of State for Justice. For the composition of the delegation, composed of 23 members, see appendix below. At its 11th meeting held on 14 April 2008, the Working Group adopted the present report on the United Kingdom.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the United Kingdom: Egypt, the Russian Federation and Bangladesh.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the United Kingdom:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/1/GBR/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/1/GBR/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/1/GBR/3).
4. A list of questions prepared in advance by the Netherlands, Denmark, Finland, France, Italy and Sweden was transmitted to the United Kingdom through the troika. These questions are available on the extranet of the Universal Periodic Review.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 7th meeting, on 10 April 2008, the Minister of State for Justice of the United Kingdom introduced the national report. The United Kingdom reaffirmed its commitment to work in partnership with colleagues in the international community and to make human rights a reality in people's everyday lives throughout the world.
6. The United Kingdom recalled its pledges and commitments made in 2006 to accompany its election to the Human Rights Council and had made significant progress in fulfilling them. The United Kingdom had been one of the most active countries during the institution-building process of the Human Rights Council, and that it continues to support OHCHR and other agencies, providing over £2.5 million annually of unearmarked funding to OHCHR. The State is preparing for the establishment of its national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and is working towards the ratification of the new Convention on the Rights of Persons with Disabilities. The United Kingdom is deeply committed to the success of the Council and to the success of UPR, which it sees as a process of collaboration and cooperation, and above all, a commitment to improving human rights on the ground. The Council had challenged all States to adopt an open and honest approach; to recognize areas of difficulty; and to consult widely and non-selectively with civil society. The Government had consulted broadly with civil society in the

country in preparing for the review and had engaged with them in a frank and constructive discussion.

7. The United Kingdom's review comes at a time of new information about the past use of British territory for extraordinary renditions, about treatment of detainees in Iraq, and debate about how long terrorist suspects can be held properly without charge. It is engaged in a continuing discussion with national human rights institutions, NGOs, academics and members of the public about how best to uphold human rights while at the same time countering threats to public safety and national security. The State is proud of its record on human rights and its achievement in bringing rights home through the incorporation of the European Convention on Human Rights (ECHR) in domestic legislation in the form of the Human Rights Act. Reconciling the demands of liberty and human rights and security was one of the United Kingdom's greatest challenges. The United Kingdom sees promotion of respect for human rights for everyone as vital in tackling the roots of terrorism.

8. Referring to questions posed by Denmark, the Netherlands and Sweden about its plans to extend pretrial detention, the use of control orders and the policy of deportation of terrorist suspects, the United Kingdom noted that its position on all of these issues was that terrorism undermines fundamental human rights - including the right to life. The Government had a responsibility to take action to reduce the threat to the public whilst respecting the fundamental rights of every individual. Prosecution remained the preferred approach in dealing with suspected terrorists but the Government recognized that any changes to enable more prosecutions to be brought had to be accompanied by balancing safeguards for human rights. The State noted that an extension from the current 28 days pretrial detention to 42 days where there is a clear and exceptional need had been proposed to Parliament. At present, all detention beyond 48 hours must be authorized by a judge and the person concerned can make representation to the judge and can be legally represented. Continued detention is agreed only if the detention is still judged to be necessary and the investigation is being carried out diligently and expeditiously.

9. The United Kingdom informed the meeting that where suspected terrorists cannot be prosecuted or deported, the Government considers control orders which impose restrictions on the movement and activities of terrorist suspects to be the best available solution. All control orders were subject to mandatory review by the High Court, and in October 2007 the House of Lords found Control Order legislation to be fully compliant with ECHR. Where concerns are raised about the safety of terrorist suspects deported to their home country, the Government believes that diplomatic assurances are a valid way of achieving deportation in accordance with the United Kingdom's international obligations, including those relating to the absolute prohibition of torture. These assurances represent a serious commitment by all the parties concerned, and all deportations using assurances attracted extensive rights of appeal in the United Kingdom. The Government ensures that monitoring arrangements are in place in the countries with which it has made such agreements. Referring to the question put forward by Netherlands on how the United Kingdom policy would change in the light of the judgment of the European Court of Human Rights in the *Saadi* case, it noted that there was nothing in the judgment that would affect the Government's current policy of seeking assurances where it considers that to be necessary. The Government had always accepted that diplomatic assurances had to be examined to establish whether they were a sufficient guarantee of protection, as the European Court of Human Rights had said.

10. Referring to questions from Denmark, Finland, France, Italy and Sweden about the United Kingdom's policies with regard to children's rights, the United Kingdom believed that no child should be subjected to violence or abuse, and noted that the law had been tightened in a number of areas to give greater protection to children, notably the criminal law. The criminal law had been

amended so that parents who cause physical injury to their children could be prosecuted, and could no longer use the “reasonable punishment” defence for assaults occasioning cruelty, actual or grievous bodily harm. The United Kingdom will invest over £118 million in family support in England in 2008-2009 and it is funding an ongoing four-year strategy to help raise standards of child protection in the United Kingdom Overseas Territories in line with the Convention on the Rights of the Child (CRC). Regarding its child poverty strategy, the United Kingdom’s target is halving child poverty by 2010 and eradicating it by 2020, and it would invest £125 million in related pilot schemes over the next three years. It remained firmly committed to the Optional Protocol on the involvement of children in armed conflict to the CRC. The Government recognized the importance of providing special treatment for young people under the age of 18 serving in the armed forces, and the United Kingdom has robust and effective safeguards in place to ensure that under 18 year olds in the armed forces are cared for properly and are not placed unnecessarily at risk.

11. Since the signing of the Optional Protocol on the sale of children, child prostitution and child pornography (OP-SC) to the CRC the law has been strengthened and a range of practical measures have been developed to assist enforcement. The United Kingdom is currently assessing how far its domestic legislation is compliant with the Optional Protocol, prior to its ratification. The United Kingdom’s reservation to article 37 (c) of the CRC - about separation of children from adults in custodial establishments - was currently under review. In the view of the United Kingdom, custodial establishments in England and Wales meet the requirements of the article. The Scottish Executive is also considering changes to ensure that policy, legislation and practice meet the requirements of article 37 (c) of the CRC. The Northern Ireland Government is currently legislating to end the practice of accommodating 17-year-old girls with adult female prisoners. The Minister noted that the United Kingdom is currently reviewing the need for the reservation relating to the application of its immigration laws in the light of recent developments in policy and practice on safeguarding children, and in view of the intention to ratify the Council of Europe Convention on Action against Trafficking in Human Beings later this year.

12. Referring to the question by France about the possible ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the United Kingdom expressed its support of the Convention and recognized its importance internationally. The United Kingdom was currently considering the implications of signing it, and the changes that would be needed in domestic legislation including to create an offence of enforced disappearance. Regarding the question from Italy about the United Kingdom’s experience with its various human rights institutions, the United Kingdom noted that this arrangement reflected the different legal and political systems in different parts of the United Kingdom, and the different interests and concerns in those areas. Concerning the forthcoming consultation on a bill of rights and responsibilities and the question posed by the Netherlands, the State noted that any Bill of Rights would build on the ECHR and its recognition in the United Kingdom through the Human Rights Act. The United Kingdom has derived tremendous benefits from the Human Rights Act but was keen to encourage discussion about how responsibilities in the exercise of individual rights might be articulated in a new bill; and how rights existing already, for example, in common law, might be codified. Recalling that this was the tenth anniversary of the 1998 Good Friday Agreement in Northern Ireland, the United Kingdom noted that Northern Ireland today represents an example to the world of how previously divided communities can find a way to work together towards a shared future based on partnership, equality and mutual respect, and an understanding of how human rights underpin a decent society.

B. Interactive dialogue and responses by the State under review

13. During the ensuing interactive dialogue a number of delegations welcomed the commitment and constructive approach of the United Kingdom towards the Universal Periodic review process. The United Kingdom was commended on its broad consultations with civil society in preparing the State report. 38 delegations made statements.

14. The Syrian Arab Republic noted that the United Kingdom does not associate terrorism with any religion and that it considers that terrorists do not represent or belong to any faith. It asked, nevertheless, for an explanation of the reference in paragraph 80 in the report of the United Kingdom to granting a range of powers to the police, the security forces and the intelligence agencies in the context of combating terrorism. It noted that detention of suspects could be extended to 42 days while the scrutiny of evidence is confidential and the suspect and his advocate are not allowed to witness the scrutiny process. The Syrian Arab Republic also stated that the new laws are clearly designed for specific groups. It asked what the difference is between section 44 of the Terrorism Act 2000 and the Terrorism Acts of 2005 and 2006 and any emergency or martial laws adopted by some states in exceptional circumstances.

15. Belgium welcomed the establishment in 2007 of the Commission for Equality and Human Rights. It particularly welcomed that the Commission is responsible, inter alia, to combat discrimination, including on grounds of sexual orientation. Belgium also referred to the 1998 Human Rights Act and, as noted in the State report, that this piece of legislation has been the subject of hostility among the media in the United Kingdom. Belgium noted with interest various measures for public education on human rights, and asked about the functions and successes of the newly created mechanism of human rights press officers.

16. The Russian Federation noted that since the adoption of the Magna Carta in 1215, it had taken 700 years for one of the most developed countries in the world to reach universal suffrage, in 1928. In this regard, the Russian Federation considered that the United Kingdom should continue to show understanding about the human rights situation in other countries, particularly in those which have quite recently been freed from their colonial past. Russia recommended that the United Kingdom: (a) elaborate a national programme to combat the problem of overcrowding of prisons; (b) consider removal of its reservations to the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict; (c) enshrine in legislation the right of access of detainees to a lawyer immediately after detention and not after 48 hours; and (d) introduce strict time limits on detention without an accusation of those suspected of terrorism, and provide information about so-called “secret flights”.

17. Sri Lanka expressed its interest in the experience of the United Kingdom in countering terrorism while protecting human rights. Sri Lanka asked about progress in the inquiry instituted in 1998 of the “Bloody Sunday” of 1972; whether prosecutions have been effected, and the reasons for delays. It also asked whether international assistance would be useful in this regard. With reference to a report by the Police Ombudsman in Northern Ireland, Sri Lanka asked about incidents of complicity between elements of security forces in the killings of civilians, and if progress had been made in bringing prosecutions of those responsible. Sri Lanka recommended that the United Kingdom consider holding a referendum on the desirability or otherwise of a written Constitution, preferably republican, which includes a bill of rights.

18. Slovenia noted that a gender perspective should be fully integrated in the UPR, and asked what the United Kingdom had done to achieve this in its consultations for the national report. It recommended that the United Kingdom do so in the next stages of review, including the outcome of the review. It noted the issue of detention of children with their families, without charge or trial and for unlimited time and without automatic supervision of the court. In this regard, Slovenia asked how the United Kingdom ensures that children in asylum-seeking families are only detained as a matter of last resort and for the shortest possible time, in line with article 37(b) of the CRC. Slovenia also noted that the United Kingdom has not yet fully outlawed the physical punishment of children and asked if it intended to provide all children with equal protection from violence under the law, and if so, by when.

19. Cuba noted information in the report that the United Kingdom promulgated legislation to combat discrimination, but noted that it maintains reservations to article 4 (a), (b) and (c) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It wondered how the United Kingdom reconciled the freedom of opinion and expression with the condemnation and legitimate repression of propaganda and organization rooted on ideas of racial superiority and which seek to justify hatred and racial discrimination. Cuba also noted that it does not share the thesis or the approach of the United Kingdom in counter-terrorism. It noted that an argument that terrorism violates human rights and that any act of a Government to combat it is legitimate, is not acceptable to Cuba. Standards, concepts and practices such as “reasonable suspicion”, “control orders”, “rendition flights”, “enemy combatant” and “collateral damage” are not only unacceptable for Cuba, but they are also utterly reprehensible and violate the rule of law and the human rights for all. Cuba recommended that the United Kingdom: (a) study, with a view to withdraw, its reservation to article 4 of ICERD; (b) consider reviewing all counter-terrorism legislation and ensure it complies with the highest human rights standards.

20. India referred to reports about increasing racial prejudice and discrimination against ethnic minorities, asylum-seekers and immigrants, and asked if the United Kingdom considers the introduction of domestic legislation prohibiting discrimination on the ground of colour and nationality as recommended by the Committee on the Elimination of Racial Discrimination (CERD). India also referred to reports and allegations of an increase of violence against women and asked whether a recommendation would be acceptable to set up a strategic oversight body, such as a Commission on Violence against Women, to ensure greater coherence and more effective protection for women.

21. Peru referred to paragraph 19 of the State report and the right to present individual complaints to treaty bodies, and noted that the United Kingdom considered that the practical value of these procedures is unclear. Peru asked for more information on the grounds for that conclusion. It also noted existing human rights training programmes for officials in the legal system, including justices and court clerks, and asked whether the police and armed forces also receive human rights education.

22. Malaysia expressed its interest to learn more, in particular, about the experience of the United Kingdom in the manner it deals with complaints lodged against the police. It noted that the Independent Police Complaints Commission for England and Wales (IPCC) received nearly 30,000 complaints in 2006-2007, and welcomed an elaboration on the categories and nature of those complaints as well as the challenges encountered in completing the investigations. It asked whether the outcomes of the investigations have improved the sensitivity to human rights in the police force.

It also noted that the preferred approach of the United Kingdom to deal with the terrorist threat is through prosecution, by removal from the country as well as policies that tackle socio-economic inequalities. Malaysia asked whether, aside from this range of options, the United Kingdom considers addressing the root causes of the threat equally important.

23. Pakistan noted that the United Kingdom has made impressive advances in national laws. It agreed with the United Kingdom that violent extremists, claiming to speak and act in the name of Islam, have their own political agenda, and that the United Kingdom has rightly made distinction between extremism and their faith. Pakistan also recognized the work of the United Kingdom with Islamic communities in the country, as well as its partnerships and international cooperation with developing countries in the context of the Millennium Development Goals. With regard to the Human Rights Act 1998, it asked why the public perception varies from the intended objectives. It also asked how the new Terrorism Act will address the issue of judicial oversight. Furthermore, it asked how the United Kingdom is balancing the pursuit of terrorists and human rights.

24. Mexico noted that all countries in the world, regardless of level of development and without exception, confront challenges concerning human rights. With regard to the counter-terrorism efforts, Mexico noted the references made by the United Kingdom in its report that human rights is an indispensable part of counter-terrorism efforts, and that “being strong on counter-terrorism does not mean being weak on human rights”. It requested comments on the two matters identified by the Special Rapporteur on the question of torture as referred to in paragraph 37 of the compilation report prepared by OHCHR.

25. The United Kingdom expressed thanks for the preceding comments and the care taken in reading its submission to the review. It would answer as many questions as possible, and reply in writing to any that were not addressed. It noted that there may have been a misunderstanding of its position on counter-terrorism and human rights. Cuba had seemed to suggest that the United Kingdom was saying that any act taken by the State was legitimate dealing with terrorism. The United Kingdom noted it has never said that, and does not agree with that. The Government must take necessary steps to protect people but must respect fundamental human rights that are enjoyed by everybody. Regarding the question of the Syrian Arab Republic on why the need to update counter-terrorism legislation, the United Kingdom noted that new powers were needed to deal with the new and developing threat, about which more is learned month by month. The powers introduced attract extensive legal review by the courts. Only in very limited circumstances is secret evidence used to justify the detention of suspected terrorists. All the measures should be proportionate, and are not directed towards any particular race, religion or group but are aimed at criminals and terrorists, whatever their background or section of society they may come from. On implementing the Human Rights Act, as asked by Belgium and Pakistan, the United Kingdom noted that the Act has not been welcomed by parts of the media, and that this is often due to a profound misunderstanding of what human rights consist of. The Government is addressing the myths, and people are starting to see the value of the Act in their everyday lives. Regarding Sri Lanka’s question about the Bloody Sunday inquiries, the United Kingdom informed the meeting that the evidence of over 900 witnesses explained the length of the process. Although Lord Saville has advised that he is unable to give a time scale for issuing the report, the United Kingdom Government regards it as very important that these voices are heard. In response to the question from Slovenia regarding detention of children, the United Kingdom stated that unaccompanied children are not normally detained. The only two exceptions are if the child is part of a family group and detention is deemed necessary, or wholly exceptionally for the protection of an isolated child, and then normally only over one night, until alternative facilities are found. It reminded the meeting that all detainees can challenge the lawfulness of their detention, including through judicial review and habeas corpus. Regarding questions on the punishment of children, the United Kingdom keeps

a careful eye on this issue, noting that it sees no evidence that the law is not working to protect children, that there should be reasonable scope for parents to discipline, and that as surveys show that smacking has already declined it sees no current need to amend the law.

26. Japan noted the reference in a report that a NGO suggested that the United Kingdom ratify the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, and asked what concerns United Kingdom had for not doing so. It noted the reported limitations the United Kingdom places on the applicability of human rights instruments as concerns its armed forces operating abroad, and asked for clarifications in this regard. It commended the United Kingdom on ratifying the Optional Protocol to CAT in 2003, and asked for further background information on the restricted applicability to United Kingdom's overseas territories. It also referred to one of the reports which noted that authorities denied access for detainees to lawyers for up to 48 hours, and asked under how broad discretion this is done and on what grounds and conditions.

27. Ghana noted the domestic measures highlighted in the State report, including the Human Rights Act, the duty to inform Parliament about the compatibility of bills with the Convention rights imposed on Government Ministers when introducing new legislation. It agreed with the assertion in the State report that development and human rights are interlinked and mutually reinforcing. In this regard, it encouraged the United Kingdom to continue to support partnerships with other Governments which strengthen the commitment to and promotion of human rights. It recommended that the United Kingdom continue to review counter-terrorism legislation to ensure that human rights are respected.

28. Sudan noted the responses provided, and asked whether the United Kingdom had conducted investigations on violations of human rights and international humanitarian law by armed forces overseas, and the outcome of any such completed investigations. It referred to a category of foreigners resident in the United Kingdom referred to as "non-domiciles", who are required to permanently hold newly issued identification documents or else face deportation, and asked how the United Kingdom considers these measures in light of international standards on the rights of migrants. Furthermore, it noted physical pressure practiced in prisons in the United Kingdom, which was considered torture outside the country, and which is difficult to prove as it leaves no clear physical signs, and asked for further information on this issue.

29. France noted the issue of corporal punishment, and recommended that the United Kingdom consider going beyond current legislation and ban this also in private sector and in its Overseas Territories. With regard to reducing poverty among children in half by 2010, France recommended and encouraged further information on such steps. Furthermore, France recommended that the United Kingdom reflect upon and consider setting a date for signing the International Convention on the Protection of All Persons from Enforced Disappearance.

30. The Netherlands welcomed the responses provided to its written questions concerning the Counter-Terrorism Bill, the consideration of a Bill on Human Rights and Responsibilities and on a verdict of the European Court of Human Rights concerning the safe and human treatment of deported persons. It welcomed the United Kingdom's inclusion of sexual orientation as a prohibited ground of discrimination in human rights legislation, and its plans to introduce legal protection from incitement to hatred on this ground. It also commended United Kingdom on its recent decision not to deport a young gay person to a country which maintains the death penalty for homosexuality, and hoped the United Kingdom would continue to follow the Yogyakarta Principles in future cases. The Netherlands recommended that the United Kingdom keep the Human Rights Council informed about counter-terrorism legislation and the safeguards to protect human rights.

31. The United States of America noted that prisons throughout the United Kingdom are overcrowded and there have been allegations that the number of inmate suicides has increased. It asked what steps the United Kingdom has taken or plans to take to improve conditions in the prisons and address the underlying reasons for the increase in suicides among prisoners.

32. Canada referred to the right to privacy and its implications for freedom of expression and in the light of new surveillance technology such as facial recognition and finger printing, and asked for guidance on the policy of the United Kingdom in this regard. With regard to the rights of the elderly, Canada noted the absence of prohibition of discrimination on grounds of age with regard to facilities and services, and recommended to the United Kingdom to provide more care and attention to the rights of the elderly. With regard to sexual orientation as a ground for asylum-seeking, Canada recommended to the United Kingdom to follow the Council of the European Union “Asylum Qualification Directive” in future cases.

33. Switzerland referred to the 2006 amended Terrorism Act, and recommended that United Kingdom strengthen guarantees associated with police custody, and not to extend but to shorten the length of time of pretrial detentions. With regard to the armed forces of the United Kingdom abroad, it noted the report of the United Kingdom that its obligations on human rights “may” apply and that the applicable provisions of the ECHR need to be qualified to take into account decisions of Security Council resolutions under Chapter VII of the United Nations Charter. Switzerland recommended that the United Kingdom consider that any person detained by armed forces is under the jurisdiction of that State, which should respect its obligations concerning the human rights of such individuals. It also requested clarification on the interrelation between resolutions of the Security Council and those on human rights applicable to armed forces abroad. On human rights education, Switzerland noted interest in obtaining copies of the educational materials referred to in paragraph 76 of the State report.

34. The Islamic Republic of Iran noted the concerns expressed by various human rights mechanisms about a series of human rights violations in the United Kingdom, including with regard to the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants, the increase in the incidence of domestic violence, including sexual violence against children within families, schools and detention centres. It also noted concerns expressed at the disproportionately high number of “stop and searches” carried out by police against members of ethnic or racial minorities, and the “profiling” in counter-terrorism efforts by the Government officials as well as the abuse of counter-terrorism laws which are perceived to target the Muslim population. It noted concerns at the grave situation of journalists and human rights defenders in Northern Ireland, including cases of death threats, arrests and detention, and cases of attacks on Muslim graves. The Islamic Republic of Iran asked about the concrete measures taken by the United Kingdom to address the said deteriorating human rights situation.

35. Germany referred to CERD, which had commended the United Kingdom in 2003 and welcomed its legislation on incitement to racial hatred, which had contributed to the peaceful coexistence of persons from many different cultures and origins. It expressed gratitude to the United Kingdom for having granted asylum to asylum-seekers during the 1930s. It referred to the recommendation by CERD with regard to section 19 (d) of the Race Relations Amendment Act, which made it lawful for officials to discriminate on the basis of origin or nationality, and asked if the United Kingdom had acted upon the recommendation made by CERD in this regard.

36. The United Kingdom identified questions asked under six themes. Firstly, regarding the actions of its armed forces overseas, it stated that human rights obligations are primarily territorial, owed by the United Kingdom to persons within the United Kingdom. ECHR applies only in very

limited circumstances overseas. The policy of the United Kingdom is to comply with its human rights obligations wherever they apply. Armed forces abroad are subject to criminal law and can be prosecuted, no matter where an offence is committed, or who the victim may be. The United Kingdom condemns all abuse and always treats all allegations of wrongdoing very seriously. Service personnel are subject to service police investigation and to United Kingdom military law wherever they are serving. With respect to international humanitarian law (IHL), the United Kingdom noted that in overseas military operations where IHL applies, its policy is to comply with IHL requirements, but it does not accept that IHL is a basis for the Universal Periodic Review. All members of armed services must uphold high professional standards; they receive training on international humanitarian law, and that reflects applicable human rights obligations. Secondly, in response to questions from Ghana and Peru about mainstreaming a human rights culture, the United Kingdom informed the meeting of significant improvements in how public services are delivered. The Ministry of Justice had prepared a human rights teaching resource for children ages 11 to 15, to be released later this year, as well as an e-learning package on human rights. Consultations are intended on a new bill on rights and responsibilities, the fundamental goal of which is to build on the existing Human Rights Act. Thirdly, in response to Sri Lanka's question about prosecutions of alleged complicity of police and security forces in Northern Ireland, the United Kingdom stressed the need to address Northern Ireland's troubled past. The Government had committed more than 34 million pounds over six years to fund a police service Historic Enquiries Team to investigate all deaths between 1968 and 1998. It established an independent public inquiry into the deaths of Rosemary Nelson, Robert Hamill and Billy Wright. The purpose of these inquiries is to examine circumstances, produce a report and make relevant recommendations, but not to prosecute; criminal investigations are for the police and prosecution services. Fourthly, regarding concerns expressed by the Islamic Republic of Iran and India about racism, the United Kingdom stated that it is an evil that must be eradicated, and recognized that it can take the form of social exclusion. It recognizes that there are many ethnic minorities - black and minority ethnic groups - who will suffer disproportionately from lack of skills, and to tackle that it has introduced measures such as the minimum wage and massive investment in education and training. The stop and search power is intelligence-led, and is more likely to be effective and to secure public confidence if based on up-to-date intelligence and on an effective assessment of threat, rather than on an individual's racial profile. It is aimed at terrorists and criminals, whatever their background. The United Kingdom expressed its commitment to strengthening a close partnership with the Islamic community, and welcomes parliamentary scrutiny and dialogue. Fifthly, in response to questions on prison conditions raised by the United States of America, the Sudan and the Russian Federation, the United Kingdom stated that it regards this as an important issue, as is tackling crime. The prison population is growing and there is a decline in the crime rate. It noted that, following a review of prisons in England and Wales in December 2007, an extra 1.2 billion pounds to pay for extra prison places, and modernized and reorganized prisons had been announced. The State would follow a targeted approach and a broad and integrated and evidence-based suicide prevention strategy. Sixthly, regarding Canada's question on the issue of ageism, the United Kingdom mentioned that it has introduced regulations prohibiting age discrimination in the workplace and is examining the possibility of prohibiting age discrimination in the provision of goods, facilities, services and in the exercise of public functions. However, legislating outside the workplace would be complex because there are circumstances where it may even be beneficial to discriminate, for example with regard to subsidized public transport, TV licenses and fuel allowances. The United Kingdom recognized that harmful age discrimination largely exists in a few sectors, i.e. in the health and social sector and to a lesser extent, in the financial sector.

37. Morocco noted with appreciation the clear distinction drawn by the United Kingdom between violent extremism and the religion which extremists claim to represent. Morocco is implementing a

national plan of action in the field of human rights education, and expressed interest in the programmes in the United Kingdom and the materials designed for 10-14-year-olds. It noted the reference in the report that the Disability Discrimination Act is the only piece of legislation on discrimination which applies to the United Kingdom as a whole, and asked it to elaborate on this.

38. Sweden noted with appreciation answers provided to questions posed in advance. As a follow-up, Sweden asked two more questions with the value of recommendations. Referring to the statement by the United Kingdom on the balance between counter-terrorism measures and human rights, Sweden asked whether it could elaborate on how its counter-terrorism measures, particularly the Terrorism Act 2006 and pre-charge detention, are applied in accordance with the United Kingdom's human rights obligations. Sweden expressed concern about the continued legality of corporal punishment contrary to the recommendation made by the Committee on the Rights of the Child on the issue and recommended to the United Kingdom to reconsider its position in this regard.

39. The Republic of Korea welcomed the legislation and regulations on race relations adopted by the United Kingdom. The State asked whether section 19D of the Race Relations Amendment Act providing that it is lawful for immigration officers to "discriminate" on the basis of nationality or ethnic origin, provided that it is authorized by a minister, is still in place and if it is implemented or not. It also asked the United Kingdom to elaborate further on the background leading to section 44 of the Terrorism Act 2000, which creates the power for the police to stop and search individuals within a designated area without first establishing reasonable suspicion. Finally, it requested further information on the United Kingdom's plan regarding the fulfilment of the right of the Ilois people to return to their home island.

40. Azerbaijan noted that the United Kingdom has not ratified the first Optional Protocol to ICCPR concerning individual communications, and asked when the United Kingdom will consider becoming party to this instrument and what, if any, are the reasons for not having done that so far. Azerbaijan referred to the concern expressed by CERD, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child regarding the degree of incorporation of the treaties into the domestic legal order and asked what measures are taken by the Government to better guarantee the rights in those treaties, given the specificities of the dualist legal system of the United Kingdom. While taking note that the United Kingdom attaches equal importance to all human rights, it noted that CESCR voiced regret that the Covenant has still not been incorporated and that the United Kingdom has no intention of doing so in the near future. In this regard, Azerbaijan requested an elaboration on the rationale behind this and on the steps taken, if any, to address this issue.

41. Algeria noted paragraph 13 of the summary report prepared by OHCHR referring to the Committee against Torture's statement that the United Kingdom has taken a narrow view on the extraterritorial applicability of CAT, in particular, in an overseas territory where its forces exercise control. In this regard, Algeria recommended that the United Kingdom accept the full and unrestricted implementation of the provisions of CAT in overseas territories under its control. Algeria referred to paragraph 23 of the summary report stating that the United Kingdom is the biggest child incarcerator in its region and privacy of the child is not observed, and recommended that it address the high incarceration rate of children to ensure that the privacy of children is protected and to put an end to the so-called "painful techniques" applied to children. It referred to paragraph 36 of the compilation report and paragraph 42 of the summary report stating that in six major pieces of legislation, the broad definition of terrorism can be misapplied to peaceful protesters and that pre-charge detention was raised from 14 to 56 days. The delegation underlined that Sir Nigel Rodley at the Human Rights Committee recently upbraided Algeria for allowing up to

12 days of pre-charge detention. Algeria recommended that the United Kingdom harmonize the above legislation with its human rights obligations towards individual protesters exercising their freedom of expression and opinion and to curtail excessive pretrial detention. Algeria referred to paragraph 34 of the summary report stating that many asylum-seekers do not receive asylum support, that the United Kingdom Borders Act of 2007 failed to address this problem and that the children of refugees and asylum-seekers do not enjoy the protection called for by CRC. It recommended that the United Kingdom protect the children and families of migrants and refugees and adhere to ICMRW. Finally, Algeria encouraged the United Kingdom to facilitate the access of the International Committee of the Red Cross (ICRC) to its prisons.

42. Regarding the issue of the architecture of human rights institutions in the United Kingdom, namely the existence of National Human Rights Commissions in Great Britain, Northern Ireland and Scotland, Italy asked the United Kingdom to elaborate on a possible mechanism of coordination among them and whether they are all established in accordance with the Paris Principles. Italy requested further information on programmes to enhance human rights education in schools, especially in primary and secondary schools, and on the production of new educational materials. Finally, on the issue of the rights of the child, Italy recommended that the United Kingdom consider further measures to address the problem of violence against children, including corporal punishment.

43. China noted that the national report of the United Kingdom contains an overview of numerous pieces of legislation to protect human rights and noted that it took a number of commitments and positive measures to promote and protect economic, social and cultural rights as well as civil and political rights. China also noted that the United Kingdom has adopted many anti-discriminatory laws over the past 40 years. It asked what measures the United Kingdom has already undertaken or is planning to take in order to increase the participation of ethnic minorities and other groups in public affairs.

44. Nigeria noted with interest that the United Kingdom recognized that economic, social and cultural rights are as important as civil and political rights and welcomed the commitment of the Government to vigorously develop economic, social and cultural policy within the country. Nigeria underlined the United Kingdom's perception of human rights as being interlinked and thereby mutually reinforcing and asked how these policies have been of benefit to the United Kingdom in bridging the gap between the rich and the poor. Moreover, Nigeria asked what practical steps, apart from legislative provisions, the United Kingdom has taken to further protect the rights of nationals of Commonwealth countries and the rights of migrants.

45. While commending the United Kingdom's constructive approach on committing to international human rights standards, Romania put forward two questions. It asked what measures the United Kingdom envisage taking in order to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Furthermore, Romania asked whether the United Kingdom could elaborate on the impact, at the national level, of the 2001 National Plan for safeguarding children from commercial sexual exploitation and on the intentions of the Government regarding the ratification of the Optional Protocol to CRC on the sale of children, child prostitution and child pornography.

46. New Zealand asked about the Equality and Human Rights Commission, which draws together the work of three previous commissions on three different issues, and asked about the background for this decision and whether it has, in the view of the Government and other stakeholders, led to improved services. Moreover, it asked what role this Commission plays or will play in the domestic discussion on recommendations made by treaty bodies and special rapporteurs.

47. The United Kingdom responded to questions on six themes. Firstly, it referred to a 2007 action plan on violence against women which brings together existing measures and plans to deliver key objectives on sexual violence, and to a further report that was presented this month, stating that it will continue to take this issue seriously. Second, regarding questions from Sweden and Algeria about counter-terrorism measures and proposals for pre-charge detention, the United Kingdom stressed that such measures are proportionate, with built-in parliamentary and judicial safeguards, and that a judge can authorize continued detention only if he/she is satisfied that it is necessary and the investigation is being carried out diligently and expeditiously. Third, regarding a question from the Republic of Korea on the issue of the British Indian Ocean Territory and the rights of the Ilois, as asked by the Republic of Korea, the United Kingdom stated that it does not consider article 2(2) of ICCPR relevant to this territory or that a separate report is required. There is no permanent population and the Ilois had been granted right of abode in the United Kingdom. Fourth, with regard to questions about section 19(d) of the Race Relations (Amendment) Act, the United Kingdom considered that this enables immigration officers to subject certain nationals to extra scrutiny, rather than discrimination – these nationalities are the ones that present the greatest risk of a breach of immigration laws. The list of such nationalities is updated on a monthly basis and is approved by a Minister, and the United Kingdom does not discriminate on the basis of colour or race. Fifth, the United Kingdom noted, in response to Azerbaijan, that since in the United Kingdom system, international treaties are not incorporated immediately into domestic law, it will not ratify a treaty unless it is satisfied that domestic law enables it to comply with such treaty or until the necessary changes to domestic law have been approved through the parliamentary process. Sixth, with regard to New Zealand's question about the Equality and Human Rights Commission, the United Kingdom indicated that it was an important institutional innovation and would be a major contributor to several areas of human rights protection.

48. Egypt stressed that the protection provided by international human rights law continues in situations of armed conflict, as reaffirmed by the International Court of Justice, and figures among the basis of UPR as contained in the Human Rights Council institution-building text adopted and accepted by all members of the Council. In this regard, Egypt noted that it would have been expected that the national report of the United Kingdom include more information on the steps taken to ensure that the United Kingdom armed forces, where present and taking part in an armed conflict, do not violate the relevant basic human rights norms, in addition to respecting international humanitarian law. In this regard, Egypt recommended that the United Kingdom elaborate specific policies and programmes aimed at ensuring that its applicable human rights obligations are not violated in situation of armed conflict. Noting that the report indicates that tackling real and perceived socio-economic inequalities is a priority of the United Kingdom, Egypt recommended that it enhance the programmes aimed at addressing these inequalities from a human rights perspective, in fulfilment of its obligations under the International Covenant on Economic, Social and Cultural Rights. Egypt also recommended that the United Kingdom accede to ICRMW. Furthermore, Egypt expressed its willingness to learn more about the 2006 Act on Racial and Religious Hatred, in particular the extent to which the threshold set therein is compatible with article 20, paragraph 2, of ICCPR. In the same vein, Egypt recommended that the United Kingdom withdraw its interpretative statement on article 4 of ICERD. Finally, Egypt recommended that the example of the United Kingdom in issuing, in principle, a specific law dealing with incitement to racial and religious hatred, be emulated as a good practice in countries which have not done so, in implementation of article 20(2) of ICCPR and its stipulated purpose.

49. Norway asked, while noting and appreciating the United Kingdom's strong engagement for human rights defenders around the world, whether the delegation could elaborate on the steps taken to implement the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Norway noted the extension of the pretrial detention period but refrained from asking a question on this which had already been extensively referred to.

50. Noting that the phenomenon of migration is a global concern, Ecuador asked the delegation what steps are being taken by the United Kingdom to become a party to ICRMW. It noted that this was also a recommendation.

51. Argentina noted that paragraph 8 of the national report referring to Overseas Territories mentions the Falkland Islands (Malvinas),* South Georgia and South Sandwich Islands, and rejected the inclusion of these alleged Overseas Territories in the report since these territories are part of Argentina and are currently illegally occupied by the United Kingdom. Argentina noted that this illegal occupation led the General Assembly to adopt several resolutions on the question of Falkland Islands (Malvinas) which recognize the existence of a dispute over sovereignty of these territories and which urge the Governments of Argentina and the United Kingdom to resume negotiations with a view to arriving at a peaceful, lasting solution to the dispute. With regard to paragraph 16 of the national report referring to the applicability of international conventions to British Overseas Territories, Argentina noted that without prejudice to the relevance of article IV of the Antarctic Treaty, it rejects British pretention to sovereignty in Antarctica and the inclusion in the report of the title “British Antarctic Territory”.

52. Israel noted with interest the “Asylum Support” system of financial assistance given to those seeking asylum while they await adjudication of their claim. In this regard, Israel asked whether this assistance is afforded to anyone, regardless of their legal status. Referring to the concerns expressed by the Committee on Economic, Social and Cultural Rights in 2002 regarding the national minimum wage that may not provide workers with an adequate standard of living, Israel asked how the United Kingdom is addressing this concern, and how often this issue is reviewed within the relevant departments.

53. Indonesia welcomed the United Kingdom’s assertions as regards its commitment to human rights in all its territories, and requested clarifications regarding two issues. While recognizing the efforts made by the United Kingdom, Indonesia noted that some reports mentioned that discrimination and inequalities continue to persist and affect individuals belonging to certain ethnic minority communities in the areas of education, health, employment, housing and access to justice. Furthermore, Indonesia noted that negative and inaccurate reporting by certain media has contributed to hostile attitudes towards, in particular, gypsies and travellers, asylum-seekers, migrant workers and Muslims. It also noted an increased number of incidents motivated by racial and religious hatred in the country. Indonesia asked what measures the Government has taken to address this discrimination, and similarly, as regards the reported upsurge of Islamophobia and religious violence targeting specific minorities. Finally, while welcoming the ratification of CRC in 1991, Indonesia noted that only one of the two Optional Protocols - on the involvement of children in armed conflict - has been ratified. It further noted with regret that two reservations to CRC remain and recommended that the United Kingdom withdraw its reservations.

54. Brazil asked the delegation to comment on the assessment that the legislation on refugees and asylum-seekers has become increasingly restrictive, with detrimental effects on their living

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

conditions. In the context of the treatment of migrants, Brazil expressed concern about racial profiling and asked what concrete measures are taken by the United Kingdom in this regard. It noted that the Committee on the Rights of the Child urged the United Kingdom to tackle inequalities prevailing for children in custody, who do not have the statutory right to education, and asked whether the United Kingdom could elaborate on this and on the legal age of children in custody. Brazil requested the United Kingdom to provide information on the strategy followed to address inequalities in the right to education of children from ethnic minorities.

55. The United Kingdom responded to questions. In response to Egypt's reference to economic, social and cultural rights, it noted that indicators reflect continuing disadvantage faced by some minorities in terms of their standard of living, and that the Government is tackling this as a priority. Regarding Argentina's intervention, the United Kingdom's position on sovereignty has not changed, and is based on the principle of self-determination. It referred to the spirit of last year's twenty-fifth anniversary commemorations in the United Kingdom and the Falkland Islands (Malvinas), which were respectful of the fallen on both sides. On implementation of the national minimum wage and an adequate standard of living, it noted that the aim is to help low-paid jobs by increasing the minimum wage, but ensuring that employment prospects are not damaged by setting it too high. In this regard, it continues to be guided by the Low Pay Commission. Commencing the age of criminal responsibility at 10 years helps children because at that age they can generally tell the difference between bad behaviour and serious wrongdoing. In all cases, interventions are designed to be rehabilitative, not punitive. Switzerland was thanked for its appreciation of the United Kingdom's human rights training package and the United Kingdom would be delighted to share its resources with international partners. It noted that the introduction of the Human Rights Act in 1998 had always been intended as only the first step in a longer process, the next step being a bill of rights and responsibilities. A new set of pledges and commitments had been submitted as part of its candidacy for re-election to the Human Rights Council in May. The United Kingdom considered the test of success for UPR to be whether there are improvements in the delivery of human rights on the ground, and to that end, it sees future rounds of the UPR as even more important than this present one.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

56. In the course of the discussion, the following recommendations were made to the United Kingdom of Great Britain and Northern Ireland:

- 1. To set up a strategic oversight body, such as a commission on violence against women, to ensure greater coherence and more effective protection for women. (India)**
- 2. To address the high incarceration rate of children, ensure that the privacy of children is protected and put an end to the so-called "painful techniques" applied to children. (Algeria)**
- 3. To consider further measures in order to address the problem of violence against children, including corporal punishment. (Italy)**
- 4. To reconsider its position about the continued legality of corporal punishment against children. (Sweden)**
- 5. To consider going beyond current legislation and to ban corporal punishment, also in the private sector and in its Overseas Territories. (France)**

6. To continue to review all counter-terrorism legislation and ensure that it complies with the highest human rights standards. (Cuba, Ghana and the Netherlands)
7. To harmonize its legislation with its human rights obligations towards individual protesters exercising their freedom of expression and opinion and to curtail excessive pretrial detention. (Algeria)
8. To enshrine in legislation the right of access of detainees to a lawyer immediately after detention, and not after 48 hours. (Russian Federation)
9. To strengthen guarantees for detained persons, and not to extend but to shorten the length of time of pretrial detentions. (Switzerland)
10. To introduce strict time limits on pre-charge detention of those suspected of terrorism, and provide information about so-called “secret flights”. (Russian Federation)
11. To consider that any person detained by its armed forces is under its jurisdiction and respect its obligations concerning the human rights of such individuals. (Switzerland)
12. To elaborate specific policies and programmes aimed at ensuring that its applicable human rights obligations are not violated in situations of armed conflict. (Egypt)
13. To elaborate a national programme to combat the problem of overcrowding of prisons. (Russian Federation)
14. To facilitate the access of the International Committee of the Red Cross (ICRC) to its prisons. (Algeria)
15. To enhance the programmes aimed at addressing socio-economic inequalities, from a human rights perspective in fulfilment of its obligations under the International Covenant on Economic, Social and Cultural Rights. (Egypt)
16. To provide further information with regard to efforts to reduce poverty among children in half by 2010. (France)
17. To provide more care and attention to the rights of the elderly. (Canada)
18. To follow the Council of the European Union “Asylum Qualification Directive” in future cases with regard to sexual orientation as a ground for asylum-seeking. (Canada)
19. To consider holding a referendum on the desirability or otherwise of a written constitution, preferably republican, which includes a bill of rights (Sri Lanka).
20. That the example of the United Kingdom in issuing, in principle, a specific law dealing with incitement to racial and religious hatred, be emulated as a good practice in countries which have not done so, in implementation of article 20(2) of ICCPR and its stipulated purpose. (Egypt)

21. **To protect the children and families of migrants and refugees (Algeria, Ecuador) and to accede to the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families. (Algeria, Ecuador and Egypt)**
 22. **To reflect upon and consider setting a date for signing the International Convention on the Protection of All Persons from Enforced Disappearance. (France)**
 23. **To withdraw its interpretative statement with respect to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. (Egypt)**
 24. **To study, with a view to withdraw, its reservation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. (Cuba)**
 25. **To withdraw its reservation to the Convention on the Rights of the Child, concerning the provision that detained children be separated from adults while in detention, as well as the reservation concerning refugee and asylum-seeking children. (Indonesia)**
 26. **To consider removal of its reservations to the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict. (Russian Federation)**
 27. **To accept the full and unrestricted implementation of the provisions of the Convention against Torture and the International Covenant on Civil and Political Rights in overseas territories under its control. (Algeria)**
 28. **To integrate fully a gender perspective in the next stages of the UPR review, including the outcome of the review. (Slovenia)**
57. **The response of the United Kingdom to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eighth session.**
58. **All conclusions and/or recommendations contained in this report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of the United Kingdom of Great Britain and Northern Ireland was headed by H.E. Michael Wills MP, Minister of State for Justice, and composed of 23 members:

H.E. Peter Gooderham, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Rebecca Sagar, First Secretary, Human Rights, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Kate Jones, Legal Adviser, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Melanie Hopkins, Second Secretary, Human Rights, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Katriona Gaskill, Second Secretary, Human Rights, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Mr. Bob Last, Senior Human Rights Adviser, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Denise Regan, Attaché, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Ms. Teresa McGrath, Attaché, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva;

Mr. Neil Barcoe, Policy Adviser, Borders and Immigration Agency;

Mr. Alex Passa, Policy Adviser, Home Office;

Mr. Rod Clarke, Director General, Ministry of Justice;

Mr. John Kissane, Deputy Head of Human Rights Division, Ministry of Justice;

Mr. Glenn Preston, Head of Communications, Human Rights Division, Ministry of Justice;

Ms. Donna Snaith, Communications and Projects Manager, Ministry of Justice;

Mr. Rob Smith, Chief Press Officer, Ministry of Justice,

Ms. Serena Hardy, Head of the Rights and Equalities Law Team, Ministry of Justice;

Ms. Jo Burden, Private Secretary to the Minister for Justice;

Mr. Gareth Williams, Senior Adviser, Ministry of Defence;

Ms. Linda Dann, Legal Adviser, Ministry of Defence;

Ms. Helena Akiwumi, Senior Adviser, Ministry of Defence;

Ms. Nadine Brown, Policy Adviser, Northern Ireland Office;

Ms. Susan Hyland, Head of the Human Rights and Good Governance Group, Foreign and Commonwealth Office;

Ms. Emma Fraser, United Nations Human Rights Policy Officer, Foreign and Commonwealth Office.
