



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous recommendations (CCPR/C/GBR/CO/6, para. 14), please clarify the State party's position on the concept of jurisdiction and circumstances inviting the extraterritorial application of the Covenant, including with respect to its military operations overseas.
2. With reference to the Committee's previous recommendations (CCPR/C/GBR/CO/6, para. 6), please provide information on measures taken to give effect to all Covenant rights not covered by the Human Rights Act 1998 in the domestic legal order, and indicate what Covenant articles are specifically protected by law in Scotland. Please report on the progress made in implementing a Bill of Rights for Northern Ireland, in accordance with the Belfast (Good Friday) Agreement and recommendations from the Northern Ireland Human Rights Commission. Please also provide information on plans to repeal the Human Rights Act 1998 and adopt a new Bill of Rights for the United Kingdom of Great Britain and Northern Ireland, and on measures taken to ensure that any such new legislation would incorporate all Covenant rights into domestic law and provide protection of those rights across all jurisdictions.
3. Please explain what process of review and consideration has been put in place to give effect to the Committee's previous recommendations (CCPR/C/GBR/CO/6, paras. 6 and 7) on accession to the Optional Protocol and removal of reservations to the Covenant, and whether national agencies, including human rights commissions and Parliamentary committees, are involved in that process.
4. Please outline the factors leading to the failure of the devolved administration in Northern Ireland to provide information relating to Covenant articles for which they have policy responsibility, and the measures taken to ensure that this failure is not repeated. Please provide information on measures taken to ensure that any future transfer of the Secretary of State's responsibilities relating to the Northern Ireland Human Rights Commission to the devolved institutions would not affect the independence of that

* Adopted by the Committee at its 112th session (7–31 October 2014).



Commission nor its operation in line with the principles relating to the status of national institutions (Paris Principles). Please indicate the measures taken to ensure that the Commission is provided with adequate financial resources for its effective functioning.

Non-discrimination, equality between men and women, prohibition of advocacy of national, racial or religious hatred and minority rights (arts. 2, 3, 20, 26 and 27)

5. Please indicate what measures are being taken to effectively combat racial and religious hatred and negative stereotyping of ethnic, religious or other minorities in the British media, relating mainly to Muslims and persons of African descent, particularly migrants and asylum seekers. Please also report on measures taken to address racism on the Internet and in sport, as well as racist bullying and name-calling in schools. Please provide information on the number of racist hate crimes reported to the police and on the ensuing investigations and convictions.

6. Please provide information on measures taken: (a) to combat caste-based discrimination, and indicate whether there has been any progress in adopting legislation outlawing such discrimination; and (b) to increase the representation of ethnic minorities in the civil service and in the judiciary. Please report on measures taken to address the social stigma and discrimination against Gypsies or Roma and Traveller communities, provide them with adequate, secure and culturally appropriate sites and housing, as well as access to employment, health care and education on an equal basis with others, and ensure adequate safeguards against evictions. Please explain whether any measures are planned with a view to equalizing the age of consent in Bermuda for consensual sex among gay male couples to the age applicable to heterosexual and lesbian couples. Please also explain what measures have been taken to implement the Committee's recommendation concerning the return of the Chagos Islanders to their ancestral land in the British Indian Ocean Territory (CCPR/C/GBR/CO/6, para. 22).

7. Please provide information on steps taken to address racial disparities in the criminal justice system, including: (a) the disproportionately high rate of arrest among persons of African descent; and (b) their overrepresentation among prisoners and offenders on probation in England and Wales, as well as in young offenders' institutions.

8. Please provide information on changes to the stop and search powers contained in the Justice and Security (NI) Act 2007 and on measures taken to monitor and evaluate the use of powers of stop, search and question in Northern Ireland, to ensure that they are exercised in accordance with articles 2, 12 and 17 of the Covenant. Please also explain whether an evaluation of the stop and search powers, particularly non-statutory searches on a large scale by the police in Scotland, has been carried out with a view to ensuring their compliance with the Covenant, and report on measures to improve targeting, proportionality, training of law enforcement officers, data gathering, transparency and consent.

9. Please report on measures taken: (a) to increase the representation of women in the civil service and the judiciary, including in decision-making positions; (b) to eliminate the wage gap between men and women; and (c) to ensure the full participation of women in addressing the legacy of the conflict in Northern Ireland, in accordance with Security Council resolution 1325 (2000).

Violence against women, including domestic violence (arts. 2, 3, 7 and 26)

10. Please report on measures taken, and the impact thereof, to address violence, including domestic violence and rape, against women, including black and ethnic minority women, in particular in the United Kingdom and Bermuda, and to ensure that such acts are effectively investigated, perpetrators are prosecuted and appropriately sanctioned, and victims have access to adequate remedies. Please clarify whether there are plans to introduce domestic violence protection notices or other similar measures, with a view to providing timely and adequate protection to victims in Northern Ireland.

Counter-terrorism measures (arts. 7, 9, 10, 14 and 16)

11. Please respond to concerns that the scope of the current anti-terrorism legislation, including the definition of terrorism and encouragement of terrorism, is very broad and could even be applied with respect to political journalists and bloggers who publish material that the authorities consider dangerous to public safety. Please report on measures taken to review the current anti-terrorism legislation, in the light of the recommendations made by the Independent Reviewer of Terrorism Legislation, and to ensure that persons whose rights are violated in the context of counter-terrorism activities have access to an effective remedy.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 2, 6, 7, 9, 10 and 16)

12. Please indicate the measures taken: (a) to address suicide rates, particularly the high suicide rates in Scotland, and suicides in prisons; (b) to prevent deaths at the hands of police and deaths in custody in Scotland; and (c) to ensure that cases of death in mental-health settings are effectively and independently investigated.

13. Please report on measures taken to address the continued threat posed by paramilitary organizations in Northern Ireland. Please respond to and indicate the measures taken to address the following concerns: (a) the absence of a comprehensive framework for dealing with conflict-related deaths in Northern Ireland, as well as police and political interference in the work of the Police Ombudsman for Northern Ireland and delays in the Northern Ireland Coroner's court, including relevant information relating to the number of outstanding investigations into conflict-related deaths; and (b) the retention in the Inquiries Act 2005 of powers to subordinate the inquiry process to the control of government ministers at every stage. Please also provide information on the progress in investigating the murder of Pat Finucane.

14. Please indicate when legislation criminalizing abortion in Northern Ireland will be amended with a view to providing for exceptions also in circumstances of fatal foetal abnormality and pregnancy resulting from rape or incest, and ensuring that such legislation meets the principle of legal certainty.

15. Please provide information on the safeguards in place against the misuse of electro-shock weapons (Tasers) by law enforcement officers in England and Wales and in Scotland, should these continue to be used or rolled out there. Please also clarify whether there are plans to replace the use of attenuating energy projectiles in Northern Ireland with less harmful methods of force.

16. Please report on measures taken to ensure that independent, impartial, thorough and effective investigations are made into serious allegations of torture and ill-treatment,

arbitrary detentions, enforced disappearance and renditions of individuals detained overseas committed by British forces in the context of military interventions in Afghanistan and Iraq and counter-terrorism operations, that penalties commensurate with the gravity of the crimes are applied for those found responsible and that access to adequate remedies is given to victims or their families. In that respect, please provide up-to-date information on: (a) the investigation by the Intelligence and Security Committee of the British Parliament into the issues identified in the report of the Detainee Inquiry; (b) the progress made in investigating the complicity of British security services in the rendition of two prominent opponents of the Gaddafi regime, namely, Sami al-Saadi and Abdul Hakim Belhaj, to Libya, under Muammar Gaddafi; (c) the progress made by the inquiry established to investigate allegations of torture and execution of up to 20 Iraqis by British troops in 2004 (the so-called “Danny Boy” incident); and (d) the investigation into allegations about British Special Forces personnel handing over detainees to the custody of the United States of America at Camp Nama, a secret prison at Baghdad international airport.

17. Please clarify whether section 134 (4) and (5) of the Criminal Justice Act 1988, which provides for the defence of “lawful authority, justification or excuse” to a charge of official intentional infliction of severe pain or suffering and the defence of conduct that is permitted under foreign law, has been repealed.

18. Please provide information on the implementation and impact of the new restraint system introduced in July 2014 for persons deprived of their liberty and training provided to officers on the use of force. Please report on what measures are taken to ensure that physical restraint commissioned for use on children and young people in secure children’s homes, secure training centres and under-18 young offender institutions, and solitary confinement against children in young offender institutions, are used only as a last resort and exclusively to prevent harm to the child or others, and that the use of any restraint techniques designed to inflict pain on young offenders is prohibited. Please clarify whether the recommendations contained in the reports of the Trust Public Inquiry of the Mid Staffordshire National Health Service Foundation have been implemented. Please indicate the measures taken to address the serious abuse in health and social care settings in Northern Ireland, in particular in homes caring for older persons and persons with disabilities.

19. Please report on measures taken to address physical and sexual abuse against children, including in residential institutions and including children aged 16 to 18 years, and to ensure that such acts are effectively investigated, perpetrators are prosecuted and sanctioned and victims have access to adequate remedies, including compensation. Please provide up-to-date information on the progress in investigating: (a) the abuse of children in residential institutions (other than schools) in Northern Ireland up to 1995, in the framework of the Historical Institutional Abuse Inquiry; (b) the high incidence of sexual offences against children on the British overseas territory of Saint Helena; and (c) the alleged physical and sexual abuse of boys at the former Saint Ninian’s School in Fife, Falklands. Please also report on measures taken to explicitly prohibit the corporal punishment of children in all settings, including in the home and alternative care settings, and repeal all relevant legal defences across the State party’s jurisdiction.

Liberty and security of person (art. 9)

20. Please provide information on the review of the Police Service of Northern Ireland into the use of powers of arrest under section 41 of the Terrorism Act 2000, and statistics on the number of those arrested under section 41 who have been subsequently charged and/or convicted of a terrorism-related offence. Please also clarify whether steps have been

taken to ensure the availability of bail to terrorist suspects in pre-charge detention in the United Kingdom.

21. Please clarify what legal safeguards are in place to ensure that individuals who are unable to consent to their placement or treatment in psychiatric hospitals and other care settings in Scotland are protected by law.

Treatment of persons deprived of their liberty (art. 10)

22. Please provide information on the measures taken to improve conditions of detention, including: (a) measures to address the high prison population and overcrowding, particularly in Northern Ireland and Scotland; (b) the reform of the prison service in Northern Ireland and the timeline for the full implementation of the recommendations contained in the 2011 report of the Northern Ireland Prison Review Team; (c) measures to improve the educational and recreational activities and to reduce the level of violence in young offenders institutions in Scotland, particularly in the Polmont institution; (d) measures to address the disproportionate number of women prisoners; (e) measures to address the increase in the number of prisoners with mental health problems, particularly in Scotland, and especially among imprisoned women, and to provide adequate mental health care and appropriate services to reduce self-harm; and (f) measures to investigate allegations of sexual abuse of women at Yarl's Wood Immigration Removal Centre.

Right to an effective remedy and a fair trial (arts. 2, 14 and 24)

23. Please provide information on measures taken: (a) to ensure that the use of closed material procedures in legal proceedings, including those provided for in the Justice and Security Act 2013, does not undermine the right to an effective remedy, including for torture and other ill-treatment and the right to a fair trial; (b) to ensure the compatibility of the legislative changes introduced in 2014, which provide for a new test for miscarriage of justice, with article 14, paragraph 6, of the Covenant; (c) to address delays across the criminal justice system in Northern Ireland and introduce statutory case time limits; and (d) to ensure that sufficient additional safeguards for a fair trial are put in place before the planned removal of the requirement for corroboration of evidence in Scotland.

24. Please explain how the restrictions to access to legal aid for judicial review, introduced by the Civil Legal Aid (Remuneration) (Amendment) (No. 3) Regulations 2014, and the reforms proposed in part 4 of the Criminal Justice and Courts Bill are compatible with the obligations of the United Kingdom under the Covenant. Please also outline the current and envisaged changes to the legal-aid system, including in Scotland, and their impact on access to justice and effective remedies, including for non-residents and immigration detainees.

25. Please report on measures taken: (a) to raise the minimum age of criminal responsibility; and (b) to address the overuse of remand in custody for child defendants in Northern Ireland, and ensure that children are held in custody only when it is absolutely necessary and as a measure of last resort.

Elimination of slavery and servitude (art. 8)

26. Please report on measures taken: (a) to improve the capacity of the National Referral Mechanism to identify victims of trafficking, in particular child victims, and with respect to detention centres and data collection; (b) to consider extending the current 45-day period of rest and recovery for victims; (c) to remove the requirement for evidence of compulsion

relating to child victims of trafficking, as well as an adult victim's failure to object to exploitation by means of threat, force or coercion as relevant factors in determining whether they have been trafficked; (d) to remove the link with movement and ensure that all persons involved in the trafficking chain are considered complicit in the crimes; (e) to provide for long-term legal alternatives to removal to countries where victims might face hardship or retribution outside the asylum procedures; (f) to address cases of forced labour and abuse of migrant workers, including domestic workers; and (g) to establish an independent and effective anti-slavery commissioner office.

Treatment of aliens (arts. 2, 7, 9, 13 and 26)

27. Please report on: (a) measures taken to ensure strict compliance with the principle of non-refoulement in practice and indicate whether there are plans to abandon or revise the policy of relying on diplomatic assurances to justify the deportation of foreign nationals suspected of terrorism-related offences to countries where they face a real risk of torture or other form of ill-treatment; (b) measures taken to establish a time limit on the duration of detention in immigration removal centres and to prevent cases of indefinite detention in practice; and (c) measures to ensure that detention is used only as a last resort and is justified as reasonable, necessary and proportionate in the light of the circumstances. Please also report on the impact of the changes made to the Detained Fast Track System to implement the decision of the British High Court in *Detention Action v. Secretary of State for the Home Department* in July 2014, in particular with regard to adequate safeguards against arbitrariness, including speedy access to free legal aid from the very outset.

Right to privacy and family life (art. 17)

28. Please report on the compatibility with the Covenant of the Tempora surveillance programme of the British Government Communications Headquarters and British legislation governing surveillance and interception, analysis, use and storage of private communications and data, including the Data Retention and Investigatory Powers Act, by which Internet and phone companies are required to collect their customers' personal communication data, track their phone and Internet use, store that data for 12 months and enable access to it by the police, security services and up to 600 public bodies, on request. Please provide information about the existing legal safeguards against unwarranted Government access to private communications, regardless of the nationality or location of the individuals whose communications are intercepted, and respect of the safeguards, in practice. Please also explain how the indefinite retention of an adult's DNA and fingerprints meets conditions of necessity and proportionality.

Freedom of conscience and religious belief, expression, peaceful assembly and association (arts. 18, 19, 21 and 22)

29. Please clarify whether and how the United Kingdom plans: (a) to abolish existing common-law offences of blasphemy and blasphemous libel in Northern Ireland and to reform the libel laws applicable in Northern Ireland and Scotland in the light of the Committee's previous concluding observations (CCPR/C/GBR/CO/6, para. 25); (b) to bring the Official Secrets Act 1989 into compliance with State party's obligations under article 19 (CCPR/C/GBR/CO/6, para. 24); (c) to amend the broad definition of "domestic extremism" and implement the recommendations of the report of Her Majesty's Inspectorate of Constabulary, entitled "A review of national police units which provide intelligence on criminality associated with protest"; (d) to address the use of overt and

covert surveillance of protesters, including undercover police officers infiltrating peaceful protest groups and campaigns, and the alleged collection of data about peaceful protesters by private security companies; (e) to end the practice of containment (“kettling”) and the use of pre-emptive measures and private injunctions against protesters; and (f) to amend the Police, Public Order and Criminal Justice (Scotland) Act 2006, with a view to reducing the notification period for a procession to a few days and alleviating the financial costs associated with obtaining a procession licence.

Right to participate in public life (art. 25)

30. Please report on measures taken to amend, in line with the Committee’s previous recommendation (CCPR/C/GBR/CO/6, para. 28), the legislation denying all convicted prisoners the right to vote.
