

## United Kingdom Mission

To the Office of the United Nations and Other International Organisations at Geneva

**HUMAN RIGHTS COUNCIL: 13th SESSION** 

UNIVERSAL PERIODIC REVIEW
MID-TERM PROGRESS UPDATE BY THEUNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND ON ITS IMPLEMENTATION OF
RECOMMENDATIONS AGREED IN JUNE 2008

UPR	UK ACTION
RECOMMENDATION	
1. Elaborate a national	The United Kingdom accepted the recommendation
programme to combat the	
problem of overcrowding in	The UK Government is committed to increasing cap
prisons. (Russian Federation)	covers the high scenario of the latest published prise
	planned for delivery in 2010, on both existing priso
	Young Offenders Institutions.
	There is an extensive capacity programme to expa
	of 1,700 additional places in 2009. New prisons ar
	in Liverpool (600 places) and within the existing
	2012. Two new 480 place Young Offender Ins
	(Littlehey) and London (Isis). In addition, plannin
	Leicestershire (Glen Parva), to be build in partnersh
	Over the last decade, the Scottish Prison Service by

on and committed to implement it immediately.

apacity in England and Wales to 96,000 places by 2014. This son population projections. Over 3,600 places are currently on sites and at newly built prisons. These include two 480 place

and the prison estate and the UK Government delivered in excess are being built at Belmarsh West in London (600 places), Maghull HMP Featherstone boundary (1,605 places), all due to open in stitutions (YOI) are due to open this year in Cambridgeshire ng permission has been submitted for a further 360 place YOI in hip with the Youth Justice Board.

Over the last decade, the Scottish Prison Service has been investing in an extensive estate development programme to provide a prison estate that is fit-for-purpose for the twenty-first century. This investment programme aims to provide modern accommodation for prisoners to live in and appropriate facilities for them to participate in purposeful activity, including addressing their offending behaviour. The programme also seeks to provide some additional capacity in addition to replacing unfit accommodation. The current programme includes the complete redevelopment of five establishments - HMP Edinburgh, HMP Glenochil, HMP Perth, HMYOI Polmont and HMP Shotts – with additional capacity provided at HMP Edinburgh and HMYOI Polmont. The programme also includes two new prisons - HMP Addiewell which opened in December 2008, adding 700 prisoner places to the prison estate, and HMP Low Moss which is under construction and will provide an additional 700 prisoner places when it opens in early 2012.

There has been significant progress in Northern Ireland, where the Northern Ireland Prison Service (NIPS) has

created additional accommodation capacity over the last two years to meet the needs of its inmates. For example, HMP Maghaberry has just opened a new 120 bed accommodation block with a further 140 places being made available by 2012; HMP Magilligan has had a total of 170 new places since 2007 and there is a major programme underway for the redevelopment of the complete Magilligan prison site.

The NI Prison Service had an average of 1398 prisoners in 2010. NIPS aspires to provide every prisoner with a single cell however, certain cells are reserved for specific categories of prisoners including female prison, the separated landings, Foyleview, Prisoner Assessment Unit and Vulnerable Prisoner Units and vacant cells designated as such cannot be used to accommodate the remaining prisoner population. As a consequence of the need to retain remand prisoners, specifically adult males, in relatively close proximity to the Courts System there is a high level of doubling in the adult male remand population of around 280 sharing cells. Overall NIPS has 1775 certified cells to accommodate its overall prisoner population.

## 2. 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).

The United Kingdom accepted the recommendation.

The UK government announced, in September 2008, that it was removing its final two reservations to the UN Convention on the Rights of the Child (Articles 22 and 37c). These final two reservations were formally removed in November 2008.

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

The UK continues to safeguard the welfare and interests of its young Service personnel in line with the key tenets of the Convention. We are not complacent. We remain vigilant on this important issue. All members of the armed forces receive training on the Law of Armed Conflict shortly after joining and regularly throughout their careers. The UK armed forces do not routinely train all personnel on the Optional Protocol specifically, but personnel

3. Enshrine in legislation the	involved in handling prisoners of war, internees and detainees receive training which addresses the handling of juveniles and children. The Government is currently examining what more can be done to promote the Optional Protocol.  The United Kingdom accepted the recommendation.
right of access of detainees to a	
lawyer immediately after	An immediate right of access to a lawyer is already provided for in UK legislation. In non-terrorist cases, the right to
detention, and not after 48	legal advice is usually available immediately following a decision to detain. The Police and Criminal Evidence Act
hours (Russian Federation).	1984 requires that a person must be told by the custody officer on arrival at the police station of his or her right to legal advice. Should the person decline access to legal advice, the police are required to remind the person of that right at various stages of the pre-charge detention process. Access to legal advice may be delayed on the authorisation of a superintendent if it is considered that the solicitor may, inadvertently or otherwise, pass on a message from the detainee or act in some way which will lead to interfere with or harm evidence or persons or property or lead to alerting others or hinder the recovery of property.  When a person is detained under the Terrorism Act 2000, a senior police officer of Superintendent rank can authorize a delay in permitting access to legal advice for up to 48 hours in limited specified circumstances. As stated in the UK's Sixth Periodic Report to the UN Human Rights Committee (CCPR/C/GBR/6, 18 May 2007), the
	Government recognises that this is a power which should only be used in exceptional circumstances where there is an overriding public interest.
4. Integrate fully a gender	The United Kingdom <b>accepted</b> the recommendation, and committed to implement it immediately.
perspective in the next stages of	
the UPR review, including the	The UK Government welcomes the recommendation as it is in line with the UK's commitments and actions on the
outcome of the review.	equality front.
(Slovenia)	In July 2007 The Minister for Women and Equality published her "Ministerial Priorities for Women, setting out the Government's ambition and plans to address significant aspects of gender inequality". These included: -Supporting women and families who are caring for children and elderly relatives;

	-tackling violence against women and changing the way we treat women offenders;
	- increasing the representation of Black, Asian and minority ethnic women
	These ministerial priorities form a strategic framework for Government within which much progress has been made.
	To date two progress reports have been published. See
	http://www.equalities.gov.uk/what_we_do/ministers_for_women_priorities.aspx
	http://www.equalities.gov.uk/PDF/Womenschanginglivesjuly08.pdf
	http://www.equalities.gov.uk/pdf/Womenschanginglivesjul%2009.pdf
5. Continue to review all	The United Kingdom <b>accepted</b> the recommendation, and has already implemented it.
counter-terrorism legislation	
and ensure that it complies with	When the Counter-Terrorism Act 2008 was introduced, a full detailed impact assessment was produced and a four
the highest human rights	month consultation involving over a hundred organisations took place. This included local communities,
standards. (Cuba, Ghana and	government departments, police, Security Services and prosecution services. Two consultation documents were
the Netherlands)	created, and there were a number of reviews of the proposals by the UK Parliament's Home Affairs Select
the rectional distributions	Committee and Joint Committee on Human Rights. In addition, there is ongoing dialogue between local
	communities and the Home Office, the Independent Reviewer of Terrorism Legislation, and the Police, to ensure all
	the counter-terrorism legislation is appropriately administered. All legislation must undergo post legislative scrutiny
	within three to five years of the Act gaining Royal Assent. In relation to 28 day pre-charge detention, this power has
	to be annually renewed by Parliament.
	to be annually renewed by Farnament.
( Set up a strategie evensielt	The United Vinedom accented the recommendation
6. Set up a strategic oversight	The United Kingdom accepted the recommendation.
body, such as a Commission on	The HW Community of the control of t
Violence Against Women to	The UK Government launched its cross-Government strategy to address violence against women and girls in
ensure greater coherence and	November 2009. In recent years much has been achieved to increase protection for women and to prosecute their
more effective protection for	attackers. There have been a number of initiatives over the last decade - cross-Government action plans on domestic
women. (India)	violence (which includes action to address forced marriages and female genital mutilation), sexual violence and
	abuse, human trafficking - that have made a real difference in supporting victims and holding offenders to account.

The new strategy is the first comprehensive, co-ordinated effort to tackle this form of gender-based violence, integrating work from across government under the headings of 'prevention', 'provision' and 'protection'. In developing the strategy, the UK Government worked closely with the Women's National Commission, a non-departmental public body charged with providing advice to the UK Government on women's issues, including violence against women. In publishing the strategy, the UK Government recognises that the complexity of violence against women and girls demands not only a firm criminal justice response, but focussed measures to stop violence from happening in the first place while ensuring that appropriate help and support for women and girls is available to those who need it. The Government is committed to working closely with local partners to achieve its goal of ending violence against women and proposes to invite the new, independent Victims' Commissioner to consider taking a role in monitoring the progress of the strategy.

The Scottish Government published 'Safer Lives: Changed Lives - a Shared Approach to Tackling Violence Against Women in Scotland' in June 2009. The document was developed in partnership with COSLA (the Convention of Scottish Local Authorities), and key stakeholders such as ACPOS (the Association of Chief Police Officers in Scotland), the Violence Reduction Unit and Health Boards. Safer Lives: Changed Lives informs the work of all partners across the spectrum of violence against women, including commercial sexual exploitation, rape and sexual assault, domestic abuse, forced marriage and Female Genital Mutilation. The Scottish Government is funding a second phase of Rape Crisis Scotland's awareness raising campaign about rape which aims to challenge myths and ultimately ensure that members of the jury in rape trials are more aware about the realities of this crime.

In Northern Ireland an inter-Ministerial Group's strategy and actions are focused on tackling Domestic and Sexual Violence and Abuse. The inter-agency Strategies, "Tackling Violence at Home" published in October 2005 and "Tackling Sexual Violence and Abuse – A Regional Strategy 2008 – 2013" launched in June 2008 are supported by Action Plans developed on a cross departmental basis in close partnership with the statutory and voluntary sectors. The latest action plans were formally published on 30 September 2009 and can be found at <a href="http://www.dhsspsni.gov.uk/tackling-sexual-violence-and-abuse-2009-2010-action-plan.pdf">http://www.dhsspsni.gov.uk/tackling-sexual-violence-and-abuse-2009-2010-action-plan.pdf</a> and <a href="http://www.dhsspsni.gov.uk/tackling-violence-at-home-2009-2010-action-plan.pdf">http://www.dhsspsni.gov.uk/tackling-violence-at-home-2009-2010-action-plan.pdf</a>

## 7. Consider going beyond current legislation to protect

The United Kingdom **accepted** the recommendation to consider going beyond current legislation if the need arises to protect children from violence, but **did not accept** the implication that it is failing in this regard through the

children from violence and ban corporal punishment also in the private sector and in its Overseas Territories. (France and Italy) application of its policy on corporal punishment.

The United Kingdom does not accept any implication that it is failing to protect children from violence through the application of its policy on corporal punishment. Keeping children safe is a top priority for the UK. The UK is absolutely clear that no child should be subjected to violence or abuse. It has tightened the law in a number of areas to give greater protection to children. For many years corporal punishment has been banned in both state and full-time independent schools; and also in nursery, childminding and foster care settings. The Government acknowledges that there are concerns over use of physical punishment in some other education and learning settings which fall outside of the current legal framework which bans the use of physical punishment. The Government's Chief Adviser on the Safety of Children, Sir Roger Singleton has been asked to carry out a review of this issue and advise on it by the end of March 2010.

In 2004 the Government amended the law in England and Wales so that parents who cause physical injury to their children can no longer use the "reasonable punishment" defence where they are charged with assaults occasioning cruelty, actual or grievous bodily harm. Similar legislative changes have been introduced in Scotland and Northern Ireland.

The UK Government does not condone physical punishment. It does not, however, want to criminalise decent parents who decide to administer a mild smack. Its approach is to provide parents with positive support and guidance to help them manage their children's behaviour more effectively without physical punishment. For example, the booklet Being a Parent in the Real World, published last August, explains the law on smacking and discourages the practice. This approach works with parents and not against them - and has proved effective.

In Scotland, it has been illegal since October 2003 physically to punish a child by hitting on the head, by shaking or by use of an implement. The Scottish Government is committed to supporting schools to create and maintain a peaceful and positive learning environment. It is working with local authorities and schools to introduce the most effective approaches to promoting positive behaviour and dealing with indiscipline.

In Northern Ireland, Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 - which makes corresponding provision to section 58 of the Children Act 2004 - restricts the defence of reasonable

	punishment. Article 2 is underpinned by ongoing work on positive parenting, which encourages parents to consider alternative methods of discipline. Positive parenting is a key theme of Northern Ireland's Families Matter Strategy. The Strategy emphasises the importance of supporting children and their families, by signposting services and equipping parents with the skills they need to love and nurture their children. However, it also recognises the importance of early intervention and integrated planning as a means of protecting and safeguarding children and young people.
8. Provide further information with regard to efforts to reduce poverty among children by half by 2010. (France)	The United Kingdom accepted the recommendation, has implemented it, and will keep the matter under review.  500,000 children have been lifted out of poverty since 1998/99. The latest figures from 2007/8 show 2.9million children in relative low-income poverty. Since then, a great deal has been done to tackle child poverty. The significant investment made in, and since, the 2007 Budget will lift around a further 550,000 children out of poverty, although the impact of these measures won't be seen until forthcoming years.  The Child Poverty Bill, currently progressing through Parliament, will enshrine in law the commitment to eradicate child poverty by 2020. The Bill will set a number of targets that the Government must meet, and require the Government to produce a strategy detailing how it intends to meet these targets (as well as ensuring that, as far as possible, children do not experience socio-economic disadvantage). The Bill also places a duty on Local Authorities to cooperate with partner authorities in tackling child poverty and for the first time Governments in the UK will be held to account on the success of their strategies to end child poverty.  In Scotland, child poverty is at the heart of the Scottish Government's vision. The Scottish Government continues to do all it can to meet the ambition of eradicating child poverty. With partners in local government it has developed three inter-linked policy frameworks – "The Early Years Framework", "Equally Well" and "Achieving Our Potential", which set out its efforts to tackle child poverty. It is fully signed up to the UK target to eradicate Child Poverty by 2020 and to the UK Child Poverty Bill.  In Wales, the Welsh Assembly Government places tackling child poverty at the top of its social justice agenda. Whilst most of the levers for tackling income poverty lie with the UK Government, particularly in terms of tax credits, benefits and minimum wage, the Assembly Government remains committed to doing all within its powers to

help achieve the UK target of eradicating child poverty by 2020. In November 2009 the National Assembly for Wales passed the Children and Families (Wales) Measure, which subsequently received Royal Assent on the 10 February 2010. The Measure makes statutory provision to take forward the Welsh Assembly Government's commitment in terms of child poverty and to take forward its strategy for vulnerable children by bringing forward legislation to provide greater support to families where children may be at risk, and strengthened regulatory enforcement in child care settings. The Measure will require Welsh Authorities, including Welsh Ministers, to prepare and publish a strategy for contributing to the eradication of child poverty in Wales and the Assembly Government's new child poverty strategy will be published in 2010.

The attainment of social justice and the eradication of poverty are also priorities for the Northern Ireland Government. "Lifetime Opportunities", which is the overarching anti-poverty and social inclusion framework for Northern Ireland, addresses specific issues, such as poverty in rural areas and the cycle of poverty, including underachievement. Moreover, the reduction of child poverty is a key goal in the Northern Ireland Programme for Government. The Northern Ireland Assembly passed a legislative consent motion on 16 November 2009 which will bring Northern Ireland within the terms of the UK Parliament's Child Poverty Bill. A Child Poverty Strategy will now be produced, in line with the requirements of the (UK) Bill including reporting to the Assembly annually on progress against Child Poverty targets contained within the Bill.

## 9. Reflect upon and consider setting a date for signing the Convention Against Disappearances (CAD) (France)

The United Kingdom accepted the recommendation, and undertook to work towards its implementation.

The UK Government continues to support the Convention and is now examining the reforms that would be needed in order to bring our domestic law in line with the requirements of the Convention.

The UK law is shaped by common law - judicial decision-making and conventions - as well as by legislation passed by Parliament. The Convention against Enforced Disappearance requires that certain offences and powers be prescribed by statute. Where the existing relevant powers in the UK context are exercised in common law, these powers may either have to be abolished or codified in statute law. Where the Convention requires the creation of new law - for example, a new criminal offence of enforced disappearance, including elements of extraterritorial jurisdiction - we anticipate that this process will be a lengthy one, requiring a substantial amount of Parliamentary time.

10. Provide more care and attention to the rights of the elderly. (Canada)	The UK Government has already outlawed age discrimination in the workplace. The Equality Bill, currently being considered by the UK Parliament, contains proposals which would give Ministers the power to outlaw age discrimination against the over 18s in the provision of goods and services. In addition the Equality Bill will introduce an integrated public sector Equality Duty which will cover eight protected characteristics, including age. That the Council of the European Union 'Asylum Qualification Directive' in will mean that all public bodies will be required to have due regard, amongst other things, to the need to eliminate unlawful age discrimination, the need to
11. Follow the Council of the European Union 'Asylum Qualification Directive' in future cases with regard to	advance equality of opportunity on the grounds of age, and the need to foster good relations between older and younger people.  In Northern Ireland the Executive is also considering this issue. In addition, the Office of the First Minister and deputy First Minister is currently consulting on policy proposals and a draft Bill to establish a Commissioner for Older People.  The United Kingdom accepted the recommendation, has implemented it, and will keep the matter under review.  The UK fully transposed the provisions of the Qualification Directive (2004/83/EC) into UK law. The Government is committed to providing protection for those individuals found to be genuinely in need, in accordance with our
sexual orientation as a ground for asylum-seeking. (Canada)	It is accepted that sexual orientation may be a factor in deciding that an individual in need of international protection should be recognised as a refugee on the basis of being a member of a particular social group in the country

	concerned. If after consideration of the individual merits of their asylum claim, the individual is found (a) to have a well founded fear of persecution and (b) is a member of a 'particular social group' then they will fall within the Refugee Convention and be granted asylum. If an applicant is at risk of persecution but where they are not considered to be members of a particular social group - or other Refugee Convention reason - they would qualify for Humanitarian Protection.
12. 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)	The United Kingdom <b>accepted</b> the recommendation that the UK should respect its obligations concerning the human rights of detained persons but <b>did not accept</b> that any person detained by our armed forces is under our jurisdiction.
13. Accept the full and unrestricted implementation of the provisions of the Convention against Torture and the ICCPR in territories under its control. (Algeria)	The UK <b>accepted</b> the recommendation that it should comply fully with its obligations under the ICCPR and the CAT. The United Kingdom strives to ensure full compliance with all its human rights obligations. The UK <b>did not accept</b> that it should lift all its reservations to the ICCPR or that it should accelerate extension of the CAT and the ICCPR to all the territories under its control.
14. Address the high incarceration rate of children, and ensure that the privacy of children is protected and to put an end to the so-called "painful techniques" applied to children. (Algeria)	The United Kingdom <b>accepted</b> the recommendation with regard to the high incarceration rate of children, and undertakes to work towards its implementation. The United Kingdom <b>did not accept</b> the recommendation with regard to so-called "painful techniques" applied to children.  While the UK did not accept the recommendation with regard to so-called "painful techniques" applied to children, it is worth noting that the independent Joint Review of Restraint in Juvenile Secure Settings was published in December 2008. The Government accepted almost all of that review's recommendations and is now pressing ahead with their implementation. The rights of the child include rights of children in custody to be protected from assault by other trainees: giving effect to that right may sometimes require use of pain-compliant techniques. Restraint is

not used solely to prevent a young person from harming others: it is often necessary to restrain a young person to prevent self-harm. The use of a pain-compliant technique causes temporary discomfort to prevent a potentially much greater harm to the young person and/or to others. The law allows any reasonable use of force for that purpose. The independent Review of Restraint seeks to identify the safest ways of dealing with dangerous situations. The Government has set clear guidance that says any use of force must be proportionate and a last resort where all other methods of de-escalation have failed. There is little point in saying pain-compliant techniques are unacceptable if no effective alternative method of safeguarding is suggested. The authors of the independent review were persuaded by the evidence that the level of injuries would almost certainly increase dramatically if staff were not allowed to use pain-compliant techniques.

Meanwhile, progress has been made in relation to incarceration rates of children. The Government has now implemented the new community sentence for under-18s, the Youth Rehabilitation Order (YRO), for offences committed from 30 November 2009, which gives courts much greater flexibility in tailoring interventions to address the needs of the young person. In addition, any sentencer passing a custodial sentence will be required to give reasons in open court for rejecting the option of a YRO with intensive requirements. The Government believes that this will serve to increase the confidence of the courts in alternative forms of intervention.

In Northern Ireland the pain compliant techniques are not used. The number of children sentenced to custody has been in steady decline, similar provisions already exist to provide courts with wider sentencing options. In particular, the Youth Conference Order, which is rooted in restorative principles, provides a menu of interventions to meet the needs of offender and victim alike.

15. Harmonise its legislation with its human rights obligations towards individual protesters exercising their freedom of expression and opinion and to curtail excessive pre-trial detention. (Algeria)

The UK **accepted** the recommendation that legislation on freedom of expression and opinion should be in harmony with human rights obligations. The UK is satisfied that existing arrangements are completely in line with our obligations in this regard. The UK agrees that pre-trial detention should never be excessive and will continue to ensure that this is the case.

16. Elaborate specific policies and programmes aimed at ensuring that its applicable human rights obligations are not violated in situations of armed conflict. (Egypt)	The United Kingdom <b>accepted</b> the recommendation. All members of UK Armed Forces receive regular training on the law of armed conflict. This training reflects applicable human rights obligations. The UK Government is satisfied that practical training for troops deploying on operations offers a high standard of preparation for dealing with the detention of civilians. However, the Government is not complacent and continues to demand the very highest standards of conduct from all UK troops. In addition to pre-deployment training, UK troops on operations are continually reminded of the standards to be maintained while any individuals are detained in UK custody
17. Enhance its 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 (ICESCR). (Egypt)	The United Kingdom accepted the recommendation, has implemented it, and will keep the matter under review. The UK has an established universal system of social security that covers the whole of the resident population. Article 9 ICESCR uses as a benchmark ILO Convention No 102 on Social Security (Minimum Standards). The UK considers itself fully compliant with its commitments and obligations arising under both instruments
18. 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) ICCPR and its stipulated purpose. (Egypt)	The UK accepted this recommendation. The UK and is willing to provide further information on its legislation on incitement to racial and religious hatred to those who may wish to use it as an example of good practice.

19. Withdraw its reservation against 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 withdrawal of their reservation concerning refugee and asylum seeking children. (Indonesia)

The United Kingdom **did not accept** the recommendation at the initial review. But we have since implemented it. The UK government announced, in September 2008, that it was removing its final two reservations to the UN Convention on the Rights of the Child (Articles 22 and 37c). These final two reservations were formally removed in November 2008.