



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/GBR/CO/7) and the most recent report on follow-up to the concluding observations of the Committee (CCPR/C/122/2), including with regard to its overseas territories and Crown dependencies. Please indicate whether the State party has considered acceding to the Optional Protocol, providing for an individual communication procedure.

2. Please report on significant developments in the legal and institutional framework within which human rights are promoted and protected following the European Union (Withdrawal) Act 2018. In this regard, please provide information on the implications of the withdrawal from the Charter of Fundamental Rights of the European Union and the loss of funding from the European Union for human rights projects.

#### B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

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

3. As the State party operates on a dualist legal system, please provide information on the progress in establishing policies and legislation to give full effect to the Covenant (para. 5).<sup>1</sup> In this regard, please provide information on any initiative to reform or repeal the Human Rights Act 1998. Please also provide information on measures taken to ensure that the Bill of Rights for Northern Ireland incorporates all the rights enshrined in the Covenant. Please provide examples of cases in which the provisions of the Covenant have been referred to by national courts and other law-applying institutions, and indicate what steps are taken to increase awareness and understanding of the Covenant among the general public and State employees such as judges, prosecutors, lawyers and law enforcement officials.

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\* Adopted by the Committee at its 128th session (2–27 March 2020).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



4. Please clarify the State party's current legal position on the scope of applicability of the Covenant with respect to individuals under its jurisdiction but outside its territory, such as those on ships and aircraft registered to the State party that are participating in military operations.

5. In light of the previous concluding observations (para. 6), please provide information on any progress made by the State party in withdrawing its reservations to the Covenant, including its reservations to articles 10, 14 and 24 of the Covenant.

**Accountability for past human rights violations (arts. 2, 6, 7 and 14)**

6. With respect to the previous concluding observations (para. 8) and the report on follow-up to the concluding observations of the Committee, please provide updated information on the implementation of the Stormont House Agreement between the Government of the United Kingdom and the Government of Ireland. Please comment on the recent agreement, entitled "New Decade, New Approach", published in January 2020, and provide information on the measures already taken to implement it. Please provide information on the Historical Investigations Unit, including information about its mandate, and measures taken to ensure a full, transparent and credible account of the circumstances surrounding events in Northern Ireland with a view to identifying, prosecuting and punishing perpetrators of human rights violations and providing appropriate remedies for victims. Please comment on information received that the Legacy Investigation Branch of the Police Service of Northern Ireland continues to investigate legacy cases, despite the findings by the courts that the Branch has no legitimacy to do so. Please also comment on information received about an exacerbated use of closed material procedures as well as an increase in claims of national security concerns by courts to hinder investigations into criminal acts of State agents, as well as about recent proposals to limit the use of criminal law against military personnel for offences committed overseas in the course of duty.

7. With reference to the previous concluding observations (para. 9) and the report on follow-up to the concluding observations of the Committee, please explain the reason for the denial of access to crucial evidence and the closing of the inquiry on the handling of detainees overseas and rendition conducted by the Intelligence and Security Committee of Parliament. Please provide information on the actions taken, including judicial investigations, prosecutions and effective remedies to victims, based on the findings contained in the 2018 reports on detainee mistreatment and rendition of the Intelligence and Security Committee of Parliament. Please provide information on the outcome of investigations of the cases transferred from the Iraq Historic Allegations Team to the Service Police Legacy Investigations, and comment on information received that most cases have been discontinued and that to date, none of the investigations initiated by the Team have resulted in prosecution.

**Non-discrimination (arts. 2, 3 and 26)**

8. With reference to the Committee's previous concluding observations (para. 10), please provide information on measures taken for the elimination of multiple and intersectional discrimination. Please provide information on steps taken to eradicate racial discrimination against people of African descent and members of the Gypsy, Roma and traveller communities, especially in the fields of health, housing and education, and about actions taken to ensure that implementation of the decision by the United Kingdom of Great Britain and Northern Ireland to leave the European Union, or "Brexit", does not result in a regression on equality and non-discrimination. Please comment on information received on increasing profiling of individuals on the basis of ethnicity and/or religion, which is partially attributed to counter-terrorism measures. Please also comment on the high number of Gypsy, Roma and traveller children in secure training centres, and a prominent increase in Muslim prisoners across different ethnicities over the past decade.

9. Please provide information on measures taken to address the reported increase in hate crimes, which are mainly racially motivated or directed against members of sexual minorities. Please also comment on information received that hate crimes are underreported and on the difficulties and inaccuracies encountered by the police in dealing with such crimes. Please also comment on the low rate of convictions related to hate crimes.

**Sexual and reproductive rights and voluntary termination of pregnancy (arts. 2, 3, 6, 7 and 26)**

10. With reference to the Committee's previous concluding observations (para. 17), please provide detailed information on the decriminalization of termination of pregnancy and on the moratorium on criminal investigation and prosecutions in Northern Ireland. In this regard, please provide information on the process for adoption of the new framework to provide lawful access to abortion services in Northern Ireland and clarify whether it complies with the Covenant.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, and counter-terrorism measures (arts. 2, 4, 7, 9, 10, 14 and 19)**

11. With reference to the Committee's previous concluding observations (para. 18), please provide information on measures taken to align sections 134 (4) and (5) of the Criminal Justice Act 1988 with the Convention and to repeal any provision providing for defence against prosecution for torture.

12. In light of the previous concluding observations (para. 14), please provide updated information on how the definition of terrorism in section 1 of the Terrorism Act 2000 has been applied, particularly with respect to politically motivated actions. Please also comment on initiatives to amend the current terrorism legislation or to broaden the scope of crimes covering acts of terrorism, including a proposal that has been made to reform the law on treason. Please provide information on the Counter-Terrorism and Border Security Act 2019 and comment on information received that the Act crosses a line that takes the law very close to prohibiting opinions. Please also provide information on: the average and maximum duration of pre-charge detention in terrorism cases; the potential misuse of arrest powers under section 41 of the Terrorism Act 2000; and the blanket denial of bail to persons arrested under section 41 of the Terrorism Act 2000. Please also comment on the compatibility of the Terrorism Act 2000 with article 9 of the Covenant.

13. Please provide updated information on the steps taken to effectively investigate the alleged involvement of the British authorities in rendition programmes and on follow-up measures taken. Please provide information on the current policy on rendition, including measures taken to ensure that the State party territory cannot be used for rendition purposes.

14. Please provide information on the current review of the "Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees" and on measures taken to ensure compliance with the Covenant. In this regard, please provide information on whether the new draft is intended to comply with the recommendations made in the 2018 report on detainee mistreatment and rendition of the Intelligence and Security Committee of Parliament, including efforts of the State party to establish more clarity (a) on the ministerial decision-making process in cases where there is a "serious risk" of torture or other forms of cruel, inhuman or degrading treatment, including by explicitly referring to the prohibition on torture enshrined in international law; (b) on the parameters for decisions taken by individual ministers, keeping the subjectivity to a minimum; and (c) on the bodies bound by the Consolidated Guidance.

**Right to life and conditions of detention (arts. 6, 9, 10 and 14)**

15. In light of the previous concluding observations of the Committee (para. 16), please report on efforts taken to reduce the number of deaths by suicide, particularly in Scotland, and to reduce suicide and self-harm by those in custody, particularly in England and Wales. Please provide information on efforts to, inter alia, provide prevention training to prison officials, combat bullying in custody facilities, and provide adequate protection and mental health and other services to prisoners. Please also provide information on efforts to address causes of suicide and self-harm among vulnerable populations in prison, including women, racial and ethnic minorities, and lesbian, gay, bisexual, transgender and intersex persons.

16. Please provide information on the inquiry procedure launched to investigate the Grenfell Tower disaster, which led to the death of 72 people in June 2017. Please comment

on information received that there were delays and flaws during the investigation process; that other buildings across England remain fitted with cladding material likely to present a fire hazard; and that there were insufficient measures to regulate the use of such material in construction in the State party.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8, 24 and 26)**

17. Please provide information on the new procedure to identify potential victims of trafficking, the national referral mechanism, and provide information on the two-stage approach established to identify whether a person is a victim of trafficking, including of sexual exploitation of children and modern slavery. Please comment on information received that the two-stage approach requires a standard of proof that hinders the identification of victims. Please provide information on measures taken to prosecute and punish those responsible for trafficking and to provide effective remedies to victims.

**Treatment of aliens, including migrants, refugees and asylum seekers (arts. 2, 9, 10, 13, 14 and 26)**

18. In light of the Committee's previous concluding observations (para. 19), please comment on information received indicating the difficulties encountered in the system of deportations with assurances, including that the procedure is lengthy, costly and has had mixed results. In this regard, please provide information on: (a) how the State party ensures appropriate, effective and independent post-transfer monitoring of individuals who are transferred pursuant to assurance agreements; (b) measures taken when the State party is not in a position to monitor the treatment of the individual after extradition, expulsion or return to other countries; and (c) actions taken when assurances are not satisfied in practice. Please also provide information on what plans are in place to ensure guarantees for those seeking international protection, including what measures will be adopted to replace the Dublin transfer scheme after Brexit.

19. Please provide information on the statelessness determination procedure and inform if applicants have access to legal aid, if the procedure allows for an effective appeal mechanism and how staff members are trained on the statelessness procedures. Please comment on information received that the standard of proof in statelessness determination procedure are very high and applicants lack assistance in evidencing their claims. Please also comment on reports on the use of administrative detention for individuals claiming statelessness.

20. With reference to the Committee's previous concluding observations (para. 15), please provide information on the increasing practice of deprivations of citizenship to deal with terrorist suspects and on the safeguards available to challenge such decisions and to ensure that such practice does not render individuals stateless. Please provide details on the policy with respect to repatriation of British citizens, including women and children, from the north-east of the Syrian Arab Republic.

21. With reference to the Committee's previous concluding observations (para. 21), please provide information on the maximum time limit on immigration detention, on the average period immigrants stay in detention facilities and on available procedural guarantees to challenge immigration detention. Please also comment on information received by the Committee about the practice of detaining parents of young children without making proper arrangements for the children. Please comment on the implementation of the Adults at Risk in Immigration Detention Policy and provide information on the impact of the policy. Please also provide information on the use of alternatives to detention with regard to migrants at risk of detention and comment on the pilot project "Action Access", established in 2018 for two years for the purpose of supporting women.

**Access to justice, independence of the judiciary, and fair trials (arts. 2 and 14)**

22. In light of the Committee's previous concluding observations (para. 22), please provide information on measures taken to improve access to the legal aid system and indicate if the State party intends to reform the Legal Aid, Sentencing and Punishment of

Offenders Act 2012. In particular, please comment on information received that the application process for the exceptional case funding is onerous and complex and that the changes to the financial eligibility criteria for legal aid create obstacles for many individuals applying for the legal aid scheme.

**Right to privacy (art. 17)**

23. With reference to the Committee's previous concluding observations (para. 24), please provide information on the application of the principles of legality, proportionality and necessity in the regime established by the Investigatory Powers Act 2016, including with respect to bulk collection of communications metadata. Please provide detailed information on the new safeguards applied to the surveillance regime, including the establishment of an oversight mechanism, and how it complies with article 17 of the Covenant. Please also provide information on the safeguards applied to requests from foreign governments to exchange intelligence and to surveillance activities carried out on or through the State party territory by the personnel of allied powers.

**Rights of the child (arts. 7, 24 and 26)**

24. In light of the Committee's previous concluding observations (para. 20), please provide information on the concrete steps taken to put an end to corporal punishment in all settings in England and Northern Ireland. Please also provide information on measures taken by the State party, including any awareness-raising or training programmes, to address public resistance to the prohibition of corporal punishment.

25. In light of the Committee's previous concluding observations (para. 23), please clarify if the State party intends to raise the age of criminal responsibility, which is set at 12 years in Scotland and at 10 years in England, Wales and Northern Ireland.

**Participation in public affairs (arts. 25 and 26)**

26. With reference to the Committee's previous concluding observations (para. 25), please provide information on the new guidance regulating the right to vote for prisoners and report on how it complies with article 25 of the Covenant.

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