



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Sixty-sixth session

Summary record of the 1740th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 7 May 2019, at 10 a.m.

Chair: Mr. Modvig

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* No summary record was issued for the 1739th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of the United Kingdom of Great Britain and Northern Ireland (CAT/C/GBR/6)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

2. **Mr. Candler** (United Kingdom of Great Britain and Northern Ireland) said that his country did not participate in, solicit, encourage or condone the use of torture for any purpose and that the Government worked closely with international partners to eradicate the practices of torture and cruel, inhuman or degrading treatment or punishment. He was nonetheless aware that many civil society organizations had expressed concerns about the impact that the withdrawal of the United Kingdom from the European Union would have on the country's human rights framework. The Government was clear that, following the withdrawal, it would continue to protect and respect human rights both domestically and through its international obligations. Accordingly, the United Kingdom had reaffirmed its commitment to the European Convention on Human Rights, to which it would remain a party after leaving the European Union, and the Government had confirmed that there were no plans to repeal or reform the Human Rights Act.

3. The Government was responsible for ensuring that the Convention was implemented throughout the United Kingdom, including in the three devolved administrations of Northern Ireland, Scotland and Wales, the Crown Dependencies and all permanently inhabited Overseas Territories. Protecting women and girls from violence and supporting victims and survivors had been established as a priority by the Government. Since the submission of the sixth periodic report, it had taken a number of steps to tackle domestic violence across the United Kingdom, including a pledge to allocate an increased budget of £100 million to combat violence against women and girls. An assurance to protect the funding provided to the country's rape support centres had been included within that pledge. With regard to the action taken in the Crown Dependencies, a public consultation on a new Diversion of Offenders and Domestic Abuse Bill had recently been held in the Isle of Man and domestic abuse strategies had been put in place in both Guernsey and Jersey.

4. The fight against modern slavery was another government priority. In its annual report on modern slavery for 2018, the Government had set out how it was transforming law enforcement procedures and the criminal justice response to modern slavery offences. Plans to increase the support available for identified victims, including the introduction of independent child trafficking advocates, had also been outlined in the aforementioned annual report. In the devolved administrations, the Welsh Government's "Live Fear Free" website and helpline provided support and advice to victims of violence or abuse, while several initiatives were under way in Northern Ireland in the framework of a seven-year domestic and sexual violence strategy. The Human Trafficking and Exploitation (Scotland) Act of 2015 had strengthened criminal law against human trafficking and exploitation in Scotland, by giving the police and prosecutors greater powers to detect and prosecute perpetrators and improving protection for victims. In the overseas territories, the Safeguarding Directorate ran a shelter to support victims of domestic abuse in Saint Helena, Ascension, and Tristan da Cunha and a specialist domestic violence court had been set up in the Cayman Islands.

5. The United Kingdom was a firm advocate of the work of the treaty body system and the Human Rights Council. The Government continued to stand up for a rules-based international system and would be seeking re-election to the Council the following year. The delegation was approaching the current dialogue in a spirit of openness and looked forward to hearing the Committee's views and responding to its questions over the following two days.

6. **Ms. Gaer** (Country Rapporteur) said that certain civil society organizations had indeed expressed uncertainty about the impact of leaving the European Union on the State

party's implementation of the Convention. She thereby invited the delegation to comment on whether withdrawal from the European Union would lead to a weakening or a reinforcement of the legal protections set forth in the Convention. The Committee called upon the State party to seize the opportunity presented by the current dialogue to publicly reaffirm its obligations under the Convention. In the absence of a functioning executive in Northern Ireland, the Committee asked the delegation to reaffirm the State party's obligation to ensure the effective application of the Convention in all devolved administrations. She also invited the delegation to indicate which of its members represented the British Overseas Territories.

7. Regarding the information submitted by the State party in its sixth periodic report, it was striking that the Government had not made a single prosecution for the crime of torture during the reporting period. It would be helpful if the delegation could confirm that there really had been no cases involving complaints of conduct potentially amounting to torture over that period. On the other hand, the Committee had learned of a number of complaints that appeared to amount to what would be classified under the Convention as cruel, inhuman or degrading treatment or punishment. Those included alleged incidents at the immigration removal centres of Yarl's Wood and Brook House. As a result, she had been surprised at the State party's failure to provide data concerning cases of ill-treatment against individuals in immigration detention. With specific reference to paragraph 225 of the State party report, the Committee would welcome further information on the number and nature of complaints received in connection with the allegations of ill-treatment at Medway Secure Training Centre. The Committee had learned from non-governmental organizations that a number of members of staff at the centre had been charged in relation to the complaints but that none of them had been convicted. Further information on the outcome of the official investigations, on the disciplinary sanctions applied to staff members and any additional action taken would be appreciated.

8. More generally, she would welcome an explanation as to why the State party had failed to respond to the Committee's request for disaggregated data on allegations of ill-treatment registered during the reporting period and the Government's response to them. She wished to know what steps the Government was prepared to take to ensure that it would be able to provide such data in the future. In the meantime, the Committee would welcome information on any cases that had involved prosecution and punishment for ill-treatment during the reporting period. Since the Government had submitted its report, five former officers had been convicted for physically abusing children at the Medomsley Detention Centre during the 1970s and 1980s. Any details on those convictions would be appreciated.

9. A report published by the Independent Inquiry into Child Sexual Abuse in February 2019 had made reference to 1,070 incidents of child sexual abuse that had allegedly taken place in the children's custodial estate in England and Wales between 2009 and 2017. It would be interesting to know how many of those cases had been made the subject of a criminal investigation, while specific information on the efforts taken to ensure accountability for the perpetrators of such offences would also be welcome. More broadly, the Committee would appreciate further information on the action taken by the State party to detect, investigate and prosecute all allegations of child sexual abuse and exploitation. An explanation of the measures taken to deal with the allegations contained in the report of sexual abuse at the Medway Secure Training Centre would be of particular interest. She also invited the delegation to clarify whether the Government intended to make advancement in the police service dependent on having training and experience in dealing with child sexual abuse claims. It would be helpful to know how the Government was planning to address the finding contained in the aforementioned February 2019 report that children were not making use of complaints mechanisms. How did the State party intend to establish effective mechanisms that were genuinely accessible to children in detention?

10. In March 2019, a video had been circulated that appeared to depict the ill-treatment of a detainee at the prison in Haverigg. She invited the delegation to comment on why that case had not resulted in any criminal prosecutions. The Committee would also be interested to learn of any other State investigations into complaints of official complicity in inter-prisoner violence during the reporting period. Civil society organizations had warned of an

increase in violent incidents at prisons since the Government had implemented cuts to prison staffing and resources in 2010. In the light of that information, confirmation as to whether the Government had gone through with its plans to recruit an additional 2,500 members of prison staff by the end of 2018 – as mentioned in the State party's report – would be appreciated.

11. The Committee had been alarmed to learn of certain problems being encountered in the implementation of the State party's policies on identification and determination of statelessness, including incidents where stateless people were held indefinitely in administrative detention or found it difficult to apply for recognition in the absence of legal representation. She asked the delegation to confirm whether the Government was planning to take measures to improve the training of those responsible for the determination of statelessness, to make it mandatory for stateless people to be immediately referred to the determination procedure when they were detained and to provide applicants with legal aid and the right to appeal in the event of their application being refused. Information on whether the Government intended to waive its registration fee to help stateless children to exercise their right to register as British citizens would be of particular interest.

12. The Committee was impressed by the number of monitoring visits to places of detention overseen by the national preventive mechanism. The Committee would nonetheless be interested to know if the Government was planning to increase the extremely limited budget currently allocated to that mechanism. It would also be helpful to understand whether plans had been made to implement the Subcommittee on Prevention of Torture's recommendation that the national preventive mechanism should be given a separate legal identity and that the legislations of all the 21 bodies that made up the mechanism should include a reference to their mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She would also be keen to know whether the Government was considering taking any action to address the Committee's concerns over the secondment of members of staff from places of deprivation of liberty by the bodies that made up the national preventive mechanism. There was no guarantee that the mechanism's guidance on independence of personnel would be followed or that remedial action would be taken in the event of one of the bodies seconding a staff member who was not sufficiently independent.

13. The Committee would be interested to know what had prevented the Government from providing statistical data on gender-based violence in the State party. Non-governmental organizations had indicated that allegations of domestic abuse crimes and sexual offences against women in the State party were on the rise. She invited the delegation to comment on that trend and to provide additional data on the State party's record of prosecuting perpetrators of violence against women during the recording period. In that regard, it would be particularly useful to hear how the Government planned to ensure the effective implementation of the Violence against Women and Girls Strategy, including with the involvement of victims' groups. More generally, she would welcome further information on any measures the Government was taking to ensure the implementation by the State party's constituent governments of actions aimed at improving the response to cases of violence against women. That question was of particular relevance in Northern Ireland, where no functioning devolved government had been in place for over two years.

14. In the light of the news, received since the submission of the State party's report, that the Government had prosecuted a case of female genital mutilation for the first time, the Committee would be interested to hear about any similar cases that were still open. Were any measures being taken to increase the effectiveness of the Government's efforts to combat female genital mutilation? Additional details on the Government's strategy to prevent forced marriage and to protect victims would also be appreciated, particularly since over 1,000 such cases had been identified in the State party in 2017.

15. The Committee understood that insufficient action had been taken to protect migrant women with an insecure immigration status in the State party. Some of them were reportedly afraid to seek protection from law enforcement officials against domestic violence, owing to the police's practice of sharing data on such cases with the Home Office. She would therefore be interested to hear more about the steps the Government was taking

to satisfy its due diligence obligation with respect to those women. Further information on what action was being taken to reassure them that the authorities were committed to protecting them from violence, and to give them the confidence to approach the police if they felt at risk, would also be appreciated. More generally, the Committee would welcome further information on the steps being taken to ensure that protection and support services, including rape crisis centres, were made available to all victims of gender-based violence.

16. Noting the absence of available data on the number of complaints and investigations relating to human trafficking, she asked why the Government was not collecting such information. She said that she would welcome details of the measures the State party intended to take to improve the ability of law enforcement officials to punish perpetrators of trafficking, as well as an update on the status of the Modern Slavery (Victim Support) Bill. The Committee had received reports of persistent gaps in the State party's approach to supporting victims of trafficking, including in relation to serious cuts to the subsistence allowance for potential victims and the lack of sufficient independence of the Independent Anti-Slavery Commissioner. It would be helpful to hear how the Government intended to address those shortcomings and improve the implementation of its commitment to identifying persons at risk of trafficking and providing them with effective protection.

17. On the question of migrant domestic workers, the Committee was concerned about reports that the newly introduced rule allowing them to change employers would not be sufficient to provide a meaningful escape route for persons experiencing abuse at the hands of their employer. It would be useful to learn about any other planned reforms that might make it easier for domestic workers present in the State party to find a new employer.

18. Details would be welcome on the steps the Government intended to take to ensure that the police dealt more effectively with complaints of hate crimes targeting Jewish, Muslim and transgender persons, as well as to increase the extremely low number of convictions secured in cases of hate crime, particularly those targeting persons with disabilities.

19. Turning to the State party's treatment of non-nationals, she asked whether it was true that the Home Office did not collect statistics on the number of asylum applications involving torture allegations, and, if so, whether there were plans to begin collecting such information, disaggregated by country of origin, including with regard to the outcome of those applications. She said that the Committee would appreciate details of the number of people the State party had returned, extradited or expelled during the reporting period, the grounds on which they had been removed and the countries to which they had been sent. In the light of the large percentage of initial asylum decisions overturned on appeal, she would be grateful to learn of any steps the Government was taking to review the application of the standard of proof in asylum decisions, including in relation to medical evidence of torture. She would welcome the delegation's response to reports that the State party had refused numerous asylum claims made by nationals of Afghanistan and Eritrea. She wished to know how many Sri Lankan nationals had requested asylum during the reporting period and how many of those requests had been granted.

20. With regard to diplomatic assurances, the Committee took the position, including in its general comment No. 4 on the implementation of article 3 of the Convention in the context of article 22 (CAT/C/GC/4), that they should not be used as a loophole to undermine the principle of non-refoulement. In that connection, she would welcome more information on the countries with which the State party currently had a "deportation with assurances" arrangement. She would appreciate confirmation of the Government's commitment to ensuring that any existing or future arrangements of that nature made provision for independent post-return monitoring.

21. The Committee remained concerned about ambiguities in the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainee Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees, which governed the practice of obtaining assurances from foreign intelligence services that detainees would not be subjected to torture or ill-treatment in cases where there was a serious risk of that happening. She would appreciate clarification of whether the Government supported extending the Consolidated Guidance to all relevant public officials,

including ministers, and making adherence to it mandatory. Information would be welcome on whether the Government intended to extend the Consolidated Guidance to cover engagement with any foreign State service or non-State actor, whether it would consider changing the ambiguous term “serious risk” to the more accepted term “real risk” in the Consolidated Guidance, and how it proposed to ensure that assurances from foreign entities did indeed mitigate a risk of torture where one existed.

22. In the light of the recommendation of the Special Rapporteur on torture that States parties should take steps to prevent torture and ill-treatment in any territory under their jurisdiction, including areas in which they exercised, in whole or in part, *de jure* or *de facto* effective control, she would be grateful for the delegation’s comments on the Government’s current view on the extraterritorial application of the Convention.

23. Turning to questions relating to Northern Ireland, she noted that although the Stormont House Agreement, concluded in 2014, had included commitments to establish a Historical Investigations Unit to investigate deaths connected to the period of internal conflict known as the Troubles, and to create an Independent Commission on Information Retrieval, those bodies had not yet been set up. She invited the delegation to provide an update on the status of legislation to implement the Agreement. She said that she would appreciate clarification of whether a provision giving the Government the power to redact information from the reports issued by the Unit would be retained in the draft legislation establishing the Unit. It was unclear whether such a provision would compromise the Unit’s independence.

24. Welcoming the announcement that sufficient evidence had been gathered to launch a prosecution against a soldier for murder and attempted murder in the context of the Bloody Sunday killings in 1972, she asked whether the Government remained committed to ensuring accountability for violations of the Convention that had occurred during the Troubles. She said that the Committee would appreciate assurances that the Government would not seek to enact an amnesty for perpetrators of such violations or to interfere with the Bloody Sunday prosecution. It would also welcome an account of how the Government intended to comply with the recent decision of the Supreme Court relating to the absence of an effective investigation into the killing of Patrick Finucane in Belfast in 1989, including whether it was prepared to conduct a public inquiry into his murder.

25. While the announcement of the creation of a Legacy Inquest Unit within the Coroners Service for Northern Ireland was a positive development, it would be useful to hear whether, in the absence of a functioning Executive in Northern Ireland, the Government intended to guarantee continued funding for the Unit. She would appreciate details of the steps that would be taken to ensure that, once established, the Historical Investigations Unit would not interfere with ongoing legacy inquests.

26. The Committee was concerned about the case of journalists Barry McCaffrey and Trevor Birney, who had been arrested by the Police Service of Northern Ireland in 2018 in connection with their work on a documentary on the Loughinisland massacre of six civilians in 1994. She would welcome an account of the Government’s response to that case, as well as of the measures being taken to ensure that officials did not harass or intimidate journalists who exposed human rights violations committed by public officials during the Troubles. She would also like to hear about the steps the Government was taking to ensure that the Police Service of Northern Ireland did not obstruct investigations being conducted by the Office of the Police Ombudsman into allegations of official collusion with paramilitaries. She would appreciate the delegation’s comments on the frequency with which the authorities resorted to closed material procedures in connection with the legacy of the conflict in Northern Ireland.

27. The Committee was concerned about the State party’s continuing reluctance to investigate reports of human rights violations, other than murder, committed in the context of the Troubles. In the light of the discovery of evidence that appeared to substantiate allegations that military personnel had subjected persons in their custody to torture, including the practice of waterboarding, in the 1970s, it would be interesting to hear how the Government would ensure that those allegations would be investigated in a manner that

would give rise to accountability for the perpetrators and redress for the victims and their families.

28. It would be helpful to receive an account of whether the Government intended to implement the recommendation of the Northern Ireland Human Rights Commission to revise the provisions of the Justice and Security (Northern Ireland) Act 2007 relating to non-jury trials.

29. In connection with the abuse of children in church-run residential institutions and of women detained in Magdalene Laundries in Northern Ireland between 1922 and 1995, the Committee would welcome information on what action the Government was taking to ensure that the victims obtained redress, including through the establishment of a Redress Board and a Commissioner of Survivors of Institutional Childhood Abuse. It would also appreciate details of the measures being taken to effectively investigate cases of abuse in Mother and Baby Homes and Magdalene Laundries and to establish mechanisms to provide the victims with compensation and rehabilitation.

30. Lastly, on the issue of abortion in Northern Ireland, she invited the delegation to describe any additional measures that were being planned to prevent the imposition of suffering, amounting to ill-treatment, on women seeking to terminate pregnancies in cases of fatal fetal impairment, rape or incest.

31. **Mr. Heller Rouassant** (Country Rapporteur) said that he would welcome the delegation's comments on the vague wording of the definition of torture contained in the Criminal Justice Act 1988 that appeared to provide an "escape clause" to the absolute prohibition of torture. He wished to learn whether there were any plans to repeal subparagraph 134 (5) (b) (iii) of the Act. He encouraged the State party to recognize that its international obligations under the Convention extended to its military operations overseas and to foreign nationals under its de facto jurisdiction. He invited the Welsh Government to incorporate in its legislation provisions relating to the Convention.

32. With reference to closed material procedures, he said that he would appreciate the delegation's response to concerns that provisions introduced by the Justice and Security Act 2013 relating to the classification of sensitive information hindered access to effective redress for victims of human rights violations.

33. In the light of the fact that the United Kingdom had no specialized police unit to investigate cases of universal jurisdiction and that arrest warrants could only be issued with the consent of the Director of Public Prosecutions, he wished to highlight the case of Colonel Kumar Lama, who had been arrested in 2013 while working as an expert for the United Nations mission in South Sudan and subsequently acquitted of the charge of torture in relation to events that had occurred when he was an officer in the army of Nepal. He would also welcome comments on the case in 2017, in which the Government had argued that an Egyptian officer accused of torture enjoyed special mission immunity.

34. He would appreciate updated information on mutual legal assistance requests related to torture and also any comments on diplomatic assurances, particularly for certain deportation cases concerning Jordan and Algeria. He would like to know what body was responsible for the preparation and content of the training programmes on human rights provided to law enforcement officials and the method and frequency of assessment for officials at different hierarchical levels. He wished to have information on the role of British officials in training members of the Libyan coastguard responsible for the interception and return of migrants. Given the evidence that the Libyan coastguard had been responsible for acts equivalent to torture, he wished to know what measures the Government had adopted in the context of its cooperation with Libya to prevent such acts.

35. The Committee had previously expressed its concern about the increased use by the police of Taser electroshock weapons. The available statistics indicated a further increase since that period as well as the disproportionate use of such weapons against persons from ethnic minorities. He noted that data on the use of such weapons had been published since 2017 and would appreciate information on the impact of that step, including whether a higher number of complaints had been made against the police for incidents involving Tasers. He asked whether such weapons were also used in prisons.

36. The State party had provided information about the training on the law of armed conflict provided to military personnel, which was also offered to specific nominated contractors. He would like to know whether those contractors were employees of private companies. He would also like to know if the content of the training had been reviewed following allegations of torture and ill-treatment perpetrated by British forces and what any such changes had entailed.

37. He would appreciate information on the number of cases detected pursuant to the rule stipulating that medical practitioners in migrant removal centres must report the case of any detained persons suspected of having been a victim of torture. He wished to note that the State party had not referred to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and its use in training.

38. He would appreciate information on the new Counter Corruption Unit that had been established to target prison officers suspected of corrupt activity and comments on the press report that more than 2,500 prison staff had been subject to disciplinary action in the previous five years, including for relationships with inmates, excessive use of force, assaulting prisoners and racism. He wished to know whether alternative sentences were being considered in order to reduce prison overcrowding. Given that a new intelligence hub to address gang crime in prisons had been announced, it would be helpful to have more information on the existence of such gangs and their links with the outside world.

39. Various international bodies had indicated that the low age of criminal responsibility in England, Wales and Northern Ireland was not in line with international standards. He wished to know if the State party intended to rectify the situation. He would also like to know whether minors under the age of criminal responsibility had the necessary legal safeguards, whether judicial authorization was required for their detention and whether they had guaranteed access to free legal representation.

40. He would appreciate information on any assessment made of the implementation of the two-year Violence Reduction Project that had been launched in 2015 to address increased inter-prisoner violence. He wished to know if violence in prisons had decreased and to be provided with the relevant statistics. He would appreciate an explanation of what might have caused the significant increase in the numbers of inter-prisoner assaults in Scotland recorded during the reporting period. He would also appreciate comments on the number of self-inflicted deaths in custody, of which there had been 87 in 2018. It would be helpful to have information on the impact of the programme of work published in 2017 based on the review conducted of deaths in police custody. In any event, he recommended the establishment of a national mechanism to monitor deaths in custody.

41. The policy of the Government indicated that detention of migrants should be used only sparingly. However, several alternative reports had indicated the prolonged or indefinite detention of immigrants, especially asylum seekers. He recommended that the Government should adopt legislation to set a maximum period of detention, for example of 28 days, to ensure compliance with the recommendations of the United Nations High Commissioner for Refugees. The generalized and systematic use of detention of migrants was a concern. He was similarly concerned about the conditions of expulsion of migrants, which required appropriate supervision. He suggested that an instrument should be developed to collect information for the identification of vulnerable persons, such as victims of torture or those with physical or mental impairments, who should be released and receive care. He would appreciate any public information on deaths of immigrants or asylum seekers in detention centres.

42. Reports received by the Committee had indicated that an increasing number of persons were being detained under the Mental Health Act of 1983, including persons with intellectual disabilities and autism. Apparently persons from ethnic minorities were disproportionately likely to be detained under the Act.

43. During the occupation of Iraq, incidents of torture and ill-treatment of prisoners had occurred in detention centres run by British forces, which had resulted in several deaths. In cases brought before the Supreme Court, it had been established that the treatment of civilian prisoners by British troops had violated the Geneva Conventions relating to the

protection of victims of international armed conflicts in their treatment of civilian prisoners. Although the report of the Al-Sweady Inquiry had concluded that none of the persons involved in the events had been killed or tortured while in British custody, it had been acknowledged that nine Iraqi prisoners in the custody of British forces in 2004 at Camp Abu Naji and at the Shaibah Logistics Base might have been subjected to ill-treatment.

44. The Service Police Legacy Investigations had taken over the mandate of the Iraq Historic Allegations Team to complete investigations of alleged abuse committed by British forces in Iraq between 2003 and 2008. The mechanism maintained close links with the Ministry of Defence, casting doubt on its independence, and it was not known whether any legal proceeding had been initiated as a result of its work or that of its predecessor. According to information received by the Committee, the Iraq Historic Allegations Team had had 34 ongoing cases when it ended operations in 2017. As at the end of September 2018, the Service Police Legacy Investigations, had either closed or was in the process of closing 1122 allegations, while 144 allegations remained pending. He would appreciate clarification on the number of ongoing cases and the number of sentences, especially given that there were other national investigative mechanisms such as those of the Royal Military Police and the Ministry of Defence.

45. In 2014, the Prosecutor of the International Criminal Court had reopened a preliminary examination to determine whether the abuse of detainees in Iraq had been systematic and had documented at least seven cases of deaths of Iraqi citizens detained by British forces. Regarding complementarity, independent investigators had criticized domestic inquiries for their structural limitations and the political opposition and government interference they faced.

46. He wished to know if the Government had received the report of the Intelligence and Security Committee of Parliament on its investigation into the alleged involvement of the United Kingdom in the mistreatment and rendition of terrorism suspects. If so, it would be helpful if the delegation could share the findings of the report and indicate any actions taken as result. The Committee recognized that significant progress had been made in terms of the cooperation of the British Government with other countries involved in acts of torture. That had been demonstrated by the public apology by the Prime Minister in May 2018 for the role played by the United Kingdom in the abduction of a Libyan couple, Abdel Hakim Belhaj and Fatima Boudchar, which had resulted in the torture of Mr. Belhaj by the Gaddafi regime. The Government had also agreed a financial settlement with the couple. He would appreciate information on any investigations carried out regarding the alleged rendition by British special forces of persons in its custody to forces of the United States of America at Camp Nama, a secret prison located at Baghdad International Airport.

47. He wished to reiterate the previous concern of the Committee regarding the lack of an independent judicial inquiry into allegations of complicity in acts of torture by other States in counter-terrorist operations. In June 2018, the Intelligence and Security Committee of Parliament had ended its work because the Government had not provided access to key evidence and it did not have sufficient powers to request it. Despite its limitations, the Intelligence and Security Committee of Parliament had reached some findings that confirmed the complicity of the United Kingdom in cases of torture and ill-treatment, characterizing some of the Government's actions as "inexcusable". Various civil society organizations and politicians had called for a comprehensive judicial inquiry on the subject, but to date no one had been charged with any offence in relation to the events in question. He would appreciate comments in that regard. Given that the State party had indicated that there had been no instances in which the Government had accepted responsibility for the torture or ill-treatment of an individual, he would appreciate clarification on how it was that some such claims had been settled.

48. The Committee had received reports referring to the Windrush scandal concerning the ill-treatment suffered by persons who had settled in the United Kingdom from the Caribbean and other parts of the Commonwealth on the part of the British authorities. The ill-treatment had included detention, exile and deprivation of the right to housing and access to health services. The scandal had been the subject of a parliamentary inquiry in June and July 2018 and he would welcome information on whether any reparations programme for such cases was planned. He would like to know whether any persons who

had been victims of torture had received rehabilitation treatment under the Improving Access to Psychological Therapies programme.

49. With respect to counter-terrorism and the safeguarding of human rights, he wished to know whether the Terrorism Act of 2000 had led to any cases being brought before the courts. It would be useful to know whether the Counter-Terrorism and Border Security Act of 2019 had already been implemented and, if so, the number of cases to which it had given rise.

50. In relation to paragraph 282 of the State party's report, he would welcome clarification on how and when complaints against the State party for non-observance of international standards had been properly investigated, particularly in the light of pending allegations of wrongdoing by British special forces at Camp Nama in Iraq.

51. In the light of the State party's international human rights obligations, he would welcome information on whether the Government was considering taking any action in response to the accusations levelled at the authorities of Saudi Arabia in relation to the abduction, torture and execution of the journalist Jamal Khashoggi, at the Saudi consulate in Istanbul, Turkey. Lastly, he wished to know whether the State party was continuing to supply arms to Saudi Arabia despite accusations of grave human rights violations committed by the coalition led by that country in the war in Yemen.

52. **Mr. Touzé** said that he would like to hear the State party's reaction to the report published by the Intelligence and Security Committee of Parliament on 28 June 2018. According to that report, the State party's intelligence agencies had been aware of the ill-treatment of detainees by officials of the United States of America following the attacks of 11 September 2001. The report alleged that the State party had also organized renditions to countries without attempting to assess the individuals' risk of being subjected to torture or ill-treatment. He wished to know what actions were being taken to give follow-up to the report, including any investigations or prosecutions.

53. **Mr. Tuzmukhamedov** said that he would like to know whether the Convention against Torture was relied upon by British courts as a source of law or reference. He had found only one Supreme Court decision that had made reference to the Convention during the reporting period. It would be much appreciated if the delegation could direct the Committee to other relevant jurisprudence.

54. It was surprising that a basic document used in the training of military personnel, the 2004 Joint Service Manual of the Law of Armed Conflict, referred neither to the Convention nor to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. He wished to know whether there were any more up-to-date training materials for military personnel that took into account lessons learned from more recent military deployments, including recent jurisprudence from the European Court of Human Rights. As the Geneva Conventions relating to the protection of victims of international armed conflicts and the Hague Conventions would not apply in the context of British forces deployed in Northern Ireland or other domestic locations unless there was a formal recognition of a non-international armed conflict, he put it to the delegation that the training of military personnel in the State party should include the Convention against Torture.

55. **Mr. Rodríguez-Pinzón** said that it was his understanding that there was no legislation that allowed victims of torture or ill-treatment inflicted abroad by other States to pursue redress within the State party. In its previous concluding observations (CAT/C/GBR/CO/5), the Committee had recommended that the State party should fill the "impunity" gap by adopting the Torture (Damages) Bill that would provide universal civil jurisdiction over some civil claims. As that bill had not yet been adopted, he wished to know its current status. More information on the rehabilitation and psychosocial care provided to victims of torture, including asylum seekers and individuals held in immigration detention, would be welcome. It would be helpful to know whether such victims benefited from the Improving Access to Psychological Therapies programme mentioned in the State party's report.

56. **Ms. Racu** said that a 2017 report on mental health in prisons by the Comptroller and Auditor General indicated that the Government did not collect good enough data on the issue, which made it difficult to plan services and monitor outcomes. The report also claimed that screening on arrival in detention did not always identify mental health problems. The number of self-harm incidents in places of detention had risen by over 70 per cent between 2012 and 2016, and there had been 120 self-inflicted deaths in prison in 2016 alone. Given those alarming figures, she would appreciate information on the concrete measures envisaged to collect better data on mental health, improve the care received by prisoners with mental disorders, prevent self-harm in prisons, and increase the number of psychiatrists and psychologists working in places of detention.

57. **Ms. Belmir** said that the State party should review its position with respect to section 134 of the Criminal Justice Act, 1988, which provided that acts by State agents that were unlawful under the State party's law could be justified if they were permitted under foreign law. The provision left the door open for all kinds of cruel treatment that might be permitted in countries that did not have the same stringent legal principles. She would appreciate a response from the delegation to allegations that Tasers were used against children in the State party. She was further concerned that the criminal justice system appeared to be characterized by some racial discrimination, particularly with regard to the composition of the prison population and the alleged ill-treatment of refugees and asylum seekers. She hoped that the State party would review how the principles of criminal justice were applied in practice.

58. **The Chair** said that he wished to know what the State party did to ensure that asylum seekers who were victims of torture were reliably identified at an early stage. According to reports from non-governmental organizations, Home Office officials routinely rejected asylum seekers' medical certificates with the barest of justifications. He would appreciate more information on the procedures in place, including whether non-medical experts were allowed to overrule medical professionals. It would be useful to know who was responsible for deciding to continue or prolong the immigration detention of asylum seekers who claimed to be victims of torture.

59. Surgery performed on intersex individuals was an increasingly controversial procedure, especially when it was carried out on children. Evidence abounded that such surgery often led to poor sexual function, low self-esteem and genital pain that could be considered torture. He would like to know whether any oversight was in place with respect to medical interventions on intersex individuals, and whether intersex children or their parents received independent counselling or advice from intersex adults. The "watchful waiting approach" mentioned in scientific articles might be preferable to carrying out early and irreversible surgery with the consent of parents or guardians who were in a vulnerable situation.

60. **Mr. Hani** said that non-governmental organizations and the national preventive mechanism alike had criticized the use of restraints against children in young offender institutions. The Committee had received reports of attempted suicides brought about by the imposition of such measures. An alarming proportion of children said that they had been subjected to physical restraints upon their arrival in detention. The Committee had also been informed of the use of pain-inducing restraints, which were prohibited, and strip searches carried out on children. The delegation should provide information on the outcome of its inquiries into abuse at the Medway Secure Training Centre. The national preventive mechanism had relayed concerns that men, women and children were sometimes transferred together in an inappropriate fashion in the same prison vans. Moreover, there were reports of boys spending long periods in such vans, where the temperature was not properly regulated, without toilet breaks. He would appreciate the delegation's comments on those claims.

61. He wished to recall that the individual communications procedure under article 22 was advantageous not only for victims of torture but also for States parties, since it allowed them to remedy any gaps that might exist in their national protection systems. He encouraged the State party to review its position with respect to that procedure. He also invited the State party to consider contributing to the United Nations Voluntary Fund for Victims of Torture.

62. **Ms. Gaer** said that she would be grateful if the delegation could confirm that the Government maintained a list of “safe countries” to which asylum seekers could be returned, without the right of appeal, and that the list included Ukraine. If the information she had received was correct, she would like to know how often the list was revised. The State party should consider reviewing its designation of Ukraine as a safe country of origin.

63. The Committee had received reports that child victims of trafficking in persons did not receive the specialist care and support envisaged by the Modern Slavery Act of 2015. Further information on what happened to such children after they were identified would be welcome. She wished to echo the concerns expressed by the Chair with regard to victims of torture held in immigration detention. She would be interested to know whether Home Office officials were allowed to balance the risk to their well-being against so-called “immigration factors”. The delegation should provide more information about the State party’s policies with respect to the detention of asylum seekers who claimed to be victims of torture.

64. **Mr. Heller Rouassant**, referring to paragraph 45 of the State party’s report, asked the delegation to provide more information on the recruitment of children into paramilitary groups in Northern Ireland, including on whether that practice was becoming more common and whether it had given rise to any investigations, trials or convictions.

The meeting rose at 12.50 p.m.