

United Kingdom of Great Britain and Northern Ireland¹'s review in the Working Group,
Thursday 10 April 2008, Morning 9 am – 12 am
Analytical summary

The Troika

The troika consists of Egypt, the Russian Federation and Bangladesh. Only Egypt and the Russian Federation took the floor during the debate.

Presentation by the United Kingdom

Speaking time: 20 minutes

Presentation made by H.E. Mr Michael Wills, Minister of State, Ministry of Justice

Consultations for the preparation of the report: Mr Wills stressed that the Government has held broad consultations with a number of non-governmental organisations (NGOs) and national human rights institutions during the preparation of the national report.

Responses to questions that had been submitted in advance :

1. He stressed that the UK, as all other states, is obliged to combat **terrorism** with various means, while respecting human rights. Mr Wills emphasized that the UK considers it to be vital to strengthen human rights, as terrorism threatens to undermine them. He explained that the UK's approach to combat terrorism is based on the prosecution of suspected terrorists. According to Mr Wills, the proposition of an extension of the duration of pre-trial detention is therefore justified. Especially, as each detention must be authorised within 48 hours by a judge. Further, he argued that deportation on the grounds of diplomatic assurances is acceptable, tacking stock of the threat to which the UK is exposed. He emphasized, that in the case of a deportation, the concerned person has various possibilities to make appeals. Concluding, Mr Wills stated that the challenge posed by terrorism is of utmost importance for the UK, but that it does not undermine or determine UK's thinking over human rights.
2. He then turned to the questions raised with regard to the **protection of children's rights** in the UK. Mr Wills said that the Government is determined to treat the protection of children's rights as a priority. The Minister said that various actions have been taken in order to ameliorate the situation, e.g. projects to tackle child poverty, to amend the criminal law and a review of the reservations made to the Convention on the Rights of the Child.
3. Concerning the International **Convention for the Protection of All Persons from Enforced Disappearance**, Mr Will stated, that before the UK can sign the Convention, new primary legislation has to be introduced on the national level due to the UK's dualist system.
4. The Minister further emphasized, that every **Bill of Rights** that will be adopted, will be based on the Human Rights Act 1998 and the European Charter of Human Rights (ECHR).
5. Finally, concerning **Northern Ireland**, Mr Wills acknowledged that there remain many challenges, but he also emphasized that it is also an example for how previously divided communities can peacefully live together again.

Interactive Dialogue

Number of countries that took the floor

In total **38 countries** took the floor during the interactive dialogue. **24** of them are **member States** (*Russian Federation, Sri Lanka, Slovenia, India, Malaysia, Pakistan, Japan, France, Netherlands, Canada, Switzerland, Germany, Republic of Korea, Italy, China, Romania, Peru, Cuba, Mexico, Ghana, Nigeria, Egypt, Brazil, Indonesia*) and **14** are **non-member States** (*Syrian Arab Republic,*

¹ United Kingdom of Great Britain and Northern Ireland is a member of the Human Rights Council

Belgium, Sudan, United States, Islamic Republic of Iran, Morocco, Sweden, Azerbaijan, Algeria, New Zealand, Norway, Ecuador, Argentina, Israel).

Questions / Issues raised

UK's counter-terrorism policies

The following issues were raised in connection with the UK's counter-terrorism policies and the alleged detrimental impact of these measures on a number of human rights and fundamental freedoms

- Proposal to expand the length of pre-charge and pre-trial detention (Syria, Switzerland, Japan)
- UK's general approach to terrorism and the tools used to combat it (Cuba, Malaysia)
- Balance between the respect of human rights and the combat of terrorism (Pakistan)
- Compatibility of the counter-terrorism policies and the Human Rights Act 1998 (Ghana)
- Anti-terrorism laws (Sweden, Algeria)
- Discrimination deriving from counter-terrorism policies (Iran)

Responses by the delegation

Mr Will responded to the concern of some countries regarding the detention of suspected terrorists, that the measures taken are proportional to the threat. He further emphasized that they are legitimized by judicial and parliamentary safeguards and that every detainee has several possibilities to appeal against its detention (habeas corpus).

Concerning the UK's approach to terrorism, Mr Wills clarified, that the UK has to take actions in order to protect people. He insisted that the UK's approach to terrorism does not violate human rights.

The Minister responded to Iran, that the UK recognizes the concerns. However he assured that the Government is determined to enter into dialogue with Muslim communities.

Rights of the child

Various issues were raised in the context of the rights of the child in the UK

- Removal of the UK's reservations to the Convention on the Rights of the Child (CRC) and the Optional Protocol on Children in Armed Conflict (OP-AC) (Japan, the Russian Federation, Indonesia)
- Detention of asylum-seeking children (Indonesia, Slovenia)
- Low age of criminal responsibility for children (Brazil)
- Corporal punishment of children (Italy, Sweden, Slovenia, France)
- Child poverty

Responses by the delegation

Mr Wills responded to Indonesia and Slovenia's concerns that the Government takes the issue very seriously and that the UK can guarantee that asylum-seeking children are only detained if there is no other possibility and only as short as possible. He further made clear, that there are only to specific cases where children can temporarily be detained. First, an unaccompanied asylum-seeking child can be detained until an alternative option is found. Second, children may be detained if they belong to an asylum seeking family whose detention is considered to be necessary.

Concerning the issue raised by Brazil, the Minister reiterated, that the age of criminal responsibility is set at 10 years. The UK is of the opinion, that this helps children to build up a sense of responsibility.

Mr Wills stated that the law on physical punishment seems to work, at least there is no evidence proving the contrary. However, the Government is determined to make an effort in order to tackle the problem.

Racism and racial discrimination

The following issues were raised in connection with racism and racial discrimination

- Increasing prejudice against migrants, asylum seekers and racial minorities (Brazil, India, Indonesia, Iran)
- Removal of the reservations on the Convention of the Elimination of Racial Discrimination (CERD) (China, Cuba, Germany, India, Indonesia)
- Adoption of legislation prohibiting discrimination based on color or race (India)
- Amendment of the Race Relations Amendment Act 2000 (Immigration officers can lawfully make a distinction on the basis of ethnicity or nationality) (Germany)
- Provisions of the Terrorism Act designed for specific groups (Syria)
- Racial profiling (Brazil, Indonesia)
- UK's approach to privacy (fingerprinting and DNA testing) (Canada)

Responses by the delegation

The Minister emphasized that the UK does not discriminate on grounds of color, nationality or ethnicity. Concerning the Race Relations Act, he stated that immigration officers are allowed to make specific control of individuals from certain countries.

Mr Wills responded to Syria's concern, that all legislation is subject to judicial review and that the principle of proportionality is always taken into account. He emphasized that the legislation has to be constantly adapted to the changing threat terrorism poses to the UK.

In general, the Minister emphasized that the issue of discrimination is one of the priorities of the Government and that a number of laws have been passed in order to tackle the problem. He stressed that the Government is determined to take also additional measures, such as special training and the introduction of a minimum wage for disadvantaged groups.

Training and education on human rights

Various states welcomed the effort made by the UK to provide human rights training material for schools and governmental organisations (Ghana, Italy, Morocco, Peru, Switzerland) and expressed their interest to get copies of the material (Italy, Morocco, Switzerland).

- Same training opportunities for the police and the army (Peru)

Responses by the delegation

The UK thanked for the compliments and showed its commitment to work together with international partners in this area.

Mr Wills responded to the question of Peru, that all public authorities have the responsibility to look for their own training on human rights and that the armed forces are trained in the domain of law of armed conflict.

Obligations of the UK's armed forces overseas

The following issues were discussed regarding the UK's armed forces overseas

- General position of the armed forces overseas (Algeria, Egypt, Japan, Republic of Korea, Sudan)
- Applicability of human rights obligations in peace and war time (Japan)
- Restricted application of the Optional Protocol to the Convention Against Torture in the UK's occupied territories (Japan)
- Alleged violations of international humanitarian law and human rights by the UK's armed forces and investigations undertaken by the UK in this context (Sudan)
- Opposition against the inclusion of some islands into the category of British overseas territories (Argentina)

Responses by the delegation

Mr Wills explained that the ECHR applies only to some cases overseas. However, he argued that the members of the armed forces can be held accountable under British criminal law, irrespective

of who are the victims and the location where the crime was committed. To Sudan, the Minister replied that investigations have been made by the police. He further stressed that the UK condemns all sorts of abuse and that all allegations are taken very seriously. However, he objected to accept international humanitarian law as basis for the UPR.

Mr Wills rejected the statement made by Argentina and stressed that the UK's position has not changed in this regard.

Other issues

The following issues were also raised during the debate

- Investigations made in context of the Bloody Sunday Massacre (Sri Lanka)
- Inclusion of a gender perspective into the UPR process (Slovenia)
- Human rights institutions (Belgium, Italy, New Zealand)
- Detention conditions and detainees access to lawyers (Russian Federation, USA)
- Incoherence in the actions taken against violence against women (India)

Responses by the delegation

Mr Wills mentioned that broad investigations are made in the context of the Bloody Sunday Massacre, but as a large amount of evidence has to be taken into account, the investigations are not yet terminated.

The Minister emphasized that the Government takes the problem of violence against women extremely seriously and that much effort is placed on the prevention of violence against women.

The UK promised to respond in writing to all questions it failed to answer during the debate.

Recommendations

The UK decided not to respond to recommendations made during the interactive dialogue. In general, the UK postponed its reply to the recommendations made during the interactive dialogue to the 8th session of the Council in June 2008.

UK's counter-terrorism policies

Cuba recommended that the UK should review all laws dealing with terrorism and reexamine whether they are all compatible with human rights obligations. Further, Cuba called for a limited pre-charge detention.

Rights of the child

Slovenia recommended to the UK to completely outlaw physical punishment of children. Slovenia stressed that an omission to do so would be contrary to the Convention on the Rights of the Child, which the UK has ratified.

Sweden and France recommended to the UK to ban corporal punishment of children in the UK and in the territories occupied by the UK.

Racism and racial discrimination

China, Cuba, Germany, India and Indonesia called upon the UK to withdraw its reservations on the Convention of the Elimination of Racial Discrimination (CERD)

Obligations of the UK's armed forces overseas

Sudan recommended that any person who is detained in the territories occupied by the UK, should fall under the jurisdiction of the UK.

Egypt supported the recommendation made by Sudan. In addition, Egypt called on the UK to respect the obligations deriving from international humanitarian law in situations of armed conflict. Egypt further noted that it wished more information concerning these issues in the report of the UK.

Other issues

Algeria, Egypt and Ecuador urged the UK to become a member of the Convention on Migrant Workers and their Families.

Ghana reminded the UK of its obligation to assure the compatibility of national laws with convention rights.

Concluding statement (5 minutes)

Mr Wills concluded that the UPR process was a challenging experience, as it gives the UK the possibility to consider its work in the field of human rights from different angles. He affirmed the UK's commitment regarding the protection and promotion of human rights within its country and in the whole world. He pointed to the recently elaborated list of commitments and pledges, that should accompany the election of the UK to the Council in May.

The minister promised to respond to the questions which he has not answered during the interactive dialogue in writing before the 8th session of the Council in June 2008. He further announced that during the June session, the UK will reply formally and in detail to the recommendations made during the debate.

States that made solely welcoming statements

The UK was commended for the broad consultations it has held with civil society during the preparation of the report. The latter was further praised for its comprehensiveness. The important role of the UK in the general development of human rights was recognized.

The following countries made solely welcoming statements and did not raise any questions/issues nor made any recommendations: *Azerbaijan, Malaysia, Mexico, Morocco*.

Human rights mentioned in the NGOs reports but not raised during the review

Right to health, Asylum-seekers/refugees (refoulement, right to a fair trial), Human rights defenders, Right to information, Arms trade.

Speaking times

Of the UK

- Opening statement (18 minutes)
- Overall speaking time employed to respond to other States' questions during the interactive dialogue (34 minutes)
- Concluding remarks (5 minutes)

Of other states

- Member states were given the floor for 3 minutes respectively.
- Non-member states had 2 minutes speaking time.

The speaking times have not been adjusted during the session.

Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.