

Universal Periodic Review (41st session)

Contribution of UNESCO

United Kingdom of Great Britain and Northern Ireland (UK)

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 1962	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 29 May 1984 Committee Member (2001-2005)			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not ratified			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 7 December 2007 Committee Member (2013-2017)			Right to take part in cultural life Reservation to this Convention shall not be permitted

II. Promotion and protection of human rights on the ground

A. Education

1. Article 2 of the Human Rights Act of 1998¹ states that “no person shall be denied the right to education” and that “in the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right for parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”. Article 14 prohibits any form of discrimination in the enjoyment of the rights and freedoms set forth in the Act.
2. In England and Wales, the Education Act of 1996² sets that education is compulsory at the primary and the secondary levels, for a duration of eleven years from the age of five to sixteen. It also provides that no charge shall be made in respect of admission to a maintained school, as well as where the education is provided for the pupil during school hours, no charge shall be made in respect of it.
3. In Scotland, the Education Act of 1980³ sets that education is compulsory at the primary and the secondary levels for a duration of eleven years; from the age of five to sixteen, but also that this duty lies on the parents and not on the State. Education shall be provided without payment of fees, but education authorities have the power to charge fees for school education in some or all of the classes.
4. In Northern Ireland, the Education and Libraries Order of 1996⁴ sets that education is compulsory for a duration of twelve years, from the age of four to sixteen. No legal provision has been identified guaranteeing free education.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

5. Articles 9 and 10 of the Human Rights Act 1998 (as per Schedule 1), which came into force in October 2000, guarantee the right to freedom of belief, thought and expression⁵ and explicitly prohibit all forms of censorship or other similar limitations to freedom of expression. However, according to these articles, restrictions can be made in the interests of public order, national security, public health and morals, the rights and reputations of other people, restrict incitement to racial or religious hatred,

¹ <http://www.unesco.org/education/edurights/media/docs/e25aa4bc217eb36d75471f751fb531874ce1fe8d.pdf>

² <http://www.unesco.org/education/edurights/media/docs/ab5e4f33d7f209c97f61ca7688a18062184b901a.pdf>

³ <http://www.unesco.org/education/edurights/media/docs/d716ad799162495dcfbdda5f2519ff3953a05c9b.pdf>

⁴ <http://www.unesco.org/education/edurights/media/docs/ab34572bd4d474a29721db4f585f508a177a1d69.pdf>

⁵ <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>

prevent the disclosure of information received in confidence, and to maintain the authority and impartiality of judges.⁶

6. The Freedom of Information Act 2000⁷ guarantees transparency within the government administration and the right of access to public information in the UK. The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Anyone can make a freedom of information request. The public authority that receives the request is responsible for responding.
7. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act (FOISA) 2002.⁸
8. The Data Protection Act 2018 (originally 1998)⁹ provides for the handling of personal data. It includes the right for people to access their personal data (Chapter 3). The Freedom of Information Act and the Data Protection Act come under the heading of information rights and are covered by the Information Commissioner's Office.
9. The Official Secrets Act 1989¹⁰ outlines the exceptions to the right to access information, making it an offence by employees and former employees of the security and intelligence services, and for current and former Crown Servants and Government contractors, to disclose certain information and if the disclosure is damaging to the national interest.
10. A new Defamation Act was introduced in 2013¹¹ which states that claimants of defamation must provide actual or probable serious harm before they can be granted the ability to sue for defamation.¹² However, it should be noted that this act has only been implemented in England and Wales, meaning that cases pertaining to defamation can be tried in Northern Ireland under the former law of 1955 (Defamation Act (Northern Ireland) 1955). Only some sections also apply to Scotland, which currently has a law similar to England and Wales on defamation. Further, the Scottish Parliament adopted the related FOISA.
11. Current legislation guarantees legal protection for journalists' sources under Section 10 of the Contempt of Court Act of 1981.¹³

⁶ Idem.

⁷ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

⁸ <http://www.legislation.gov.uk/asp/2002/13/contents>

⁹ <https://www.legislation.gov.uk/ukpga/2018/12/contents>

¹⁰ <https://www.legislation.gov.uk/ukpga/1989/6/contents>

¹¹ <https://www.legislation.gov.uk/ukpga/2013/26/contents>

¹² <https://bills.parliament.uk/bills/983>

¹³ <http://www.legislation.gov.uk/ukpga/1981/49>

12. In 2021 the government introduced, in draft, the Online Safety Bill, which empowers the Office of Communication (OFCOM) to impose penalties on online services that neglect to remove certain online content, namely illegal content and content that is deemed “harmful”.¹⁴

Implementation of the law:

13. Broadcast media is regulated through several acts, such as the Broadcasting Act 1996¹⁵ and the Communication Act 2003.¹⁶ The latter set up OFCOM, an independent corporate body created by a statute. As of 31 December 2020, through its Broadcasting Code, OFCOM regulates television and radio and covers standards for programmes broadcasted in the UK. It regulates issues related among others to harm and offence, privacy, commercial references on TV, programme transmission and content.¹⁷
14. The Independent Press Standards Organisation (IPSO) was created in 2014 to replace the Press Complaints Commission. It is independent from the government and is operated by the Regulatory Funding Company, which is funded by member publishing bodies. There is also an Editors’ Code of Practice which establishes the rules that print media regulated by IPSO have agreed to follow.¹⁸
15. The National Union of Journalists (NUJ) is the union for journalists in the UK and Ireland and all media professionals in the UK and Ireland are encouraged to join. The NUJ Code of conduct, agreed by all NUJ members (updated in 2011), sets out journalistic principles for journalism professionals in the UK and Ireland.¹⁹

Safety of journalists:

16. As of 17 February 2022, UNESCO has reported the killing of one journalist in the country in 2019, since the Organization initiated systematic reporting in 2006. The case currently is categorized by UNESCO as ongoing/unresolved based on information provided by the authorities.

¹⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985033/Draft_Online_Safety_Bill_Bookmarked.pdf

¹⁵<https://www.legislation.gov.uk/ukpga/1996/55/contents>

¹⁶<http://www.legislation.gov.uk/ukpga/2003/21/contents>

¹⁷<https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

¹⁸<https://www.ipso.co.uk/editors-code-of-practice/>

¹⁹<https://www.nuj.org.uk/about-us/rules-and-guidance/code-of-conduct.html>

17. In 2020 the National Committee for the Safety of Journalists was formed, bringing together government, journalism, policing, prosecution services and the civil service.²⁰ One of its first tasks was to develop a National Action Plan.²¹

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- The Children and Education (Amendment) Jersey Law, 2020,²² abolishes the defence of reasonable corporal punishment for children.
- The Commissioner for Children and Young People (Jersey) Law²³, 2019, establishes the office of the Commissioner to promote and protect the rights of children and young people, with a main function to provide human rights education for relevant authorities or other persons that work with or on behalf of children and young people.
- The 2019 Teacher recruitment and retention strategy²⁴, aims to support teachers at the start of their career.

Corporal punishment

- As recommended in the last UPR cycle by recommendations N°134.194 and N°134.198 the UK has made efforts to ensure that corporal punishment is explicitly prohibited in all schools and educational institutions. The Children and Education (Amendment) (Jersey) Law substituted the “limitation of defence of reasonable corporal punishment” by the “abolition of defence of reasonable corporal punishment of a child under customary law” in article 79. In the new article, “corporal punishment” is defined as administering a physical act on the person of a child for the

²⁰ <https://www.gov.uk/government/news/new-plans-to-ensure-safety-of-uk-journalists>

²¹ <https://www.gov.uk/government/publications/national-action-plan-for-the-safety-of-journalists/national-action-plan-for-the-safety-of-journalists>

²²

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=109885&p_country=GBR&p_count=3006&p_classification=04&p_classcount=83

²³

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=109886&p_country=GBR&p_count=3006&p_classification=04&p_classcount=83

²⁴ https://planipolis.iiep.unesco.org/sites/default/files/ressources/uk_teacher_retention_strategy.pdf

purpose of punishing that child (whether or not there are other reasons for administering the act). The power of members of staff to use reasonable force is substituted by a new article, stating that giving corporal punishment to a child constitutes assault.

Free education

- The legislation in England provides for pupils' education free of charge regarding admission to and provision of education. Scotland allows for the education authority to charge fees for education in some or all of the classes in a limited number of schools under their management, while in Northern Ireland no legal provision has been identified guaranteeing free education, which is not in line with the Education 2030 Framework for Action that requires States to ensure at least twelve years of free education (of which at least nine are compulsory).

Pre-primary education

- The legislation requires local authorities to provide early childcare free of charge for children, starting from birth in England and Wales, and from 2 years in Scotland, until the beginning of compulsory school age, which is 5 years. However, no provision has been identified regarding its compulsory nature. Furthermore, no provision has been identified in the legislation of Northern Ireland, regarding free or compulsory pre-primary education which is not in line with the Education 2030 Framework for Action that requires States to ensure at least one year of free and compulsory quality pre-primary education.

Sexual health education

- In April 2017, the adoption of the Children and Social Work Act²⁵ introduced in its chapter 4 a duty on the Secretary of State for Education to make relationships education mandatory in primary schools and relationships and sex education mandatory in secondary schools in England, from September 2020.

Right to education of parenting and pregnant girls

- No legal provision has been identified relating to the right to education of pregnant and parenting girls.

²⁵ <https://www.legislation.gov.uk/ukpga/2017/16/enacted>

Minimum age of marriage

- The legal minimum age of marriage is 18 years in England, Wales and Northern Ireland. Parental or judicial consent permits marriage between the ages of 16 and 18. In Scotland, the minimum age of marriage is 16 years and marriage does not require parental consent.

Financing education

- In 2018, United Kingdom spent 13.3%²⁶ of its total government expenditure on education, which is not aligned with the 2030 Education Framework for Action that requires States to allocate “at least 15% to 20% of public expenditure to education” (para. 105).

Digital education

- UNESCO’s Initiative on the Evolving Right to Education reveals the risks that learners encounter in the digital environment and the increased need for digital skills. In England, the Department of Education adopted the “Realising the potential of education in technology” strategy²⁷ in 2019, for education providers and the technology industry. This strategy aims to develop the security of digital infrastructures, develop digital capability and skills, support innovation through education technology and improve digital services. With this strategy, England Department of Education aims to support and enable the education sector in England to help develop and embed technology in a way that cuts workload, fosters efficiencies, removes barriers to education and ultimately drives improvements in educational outcomes. The strategy supports the development of a vibrant EdTech business sector that meets the needs of educators and fosters fresh ideas.

COVID-19 pandemic

²⁶ <http://uis.unesco.org/en/country/gb>

²⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791931/DfE-Education_Technology_Strategy.pdf

- The 2021 Renew and reform: supporting learners’ wellbeing and progression: Our education COVID-19 recovery plan²⁸ outlines the Welsh Government’s response to the impacts of COVID-19 on learners and learning. It aims to enable all learners to make the progress needed to continue their education and thrive, ensure equity, and plan funding during the pandemic.
- The COVID-19: guidance for schools and other educational settings²⁹, 2020 to 2022, regroups what caretakers need to know about attending schools and what parents need to know for supporting their children’s education during the pandemic. It includes guidance for early years and childcare, higher education and local authority children’s services, plans for the day-to-day running of a school, measures for safe working and protection, and guidance for special educational needs.
- The Department of Education releases on COVID-19³⁰, 2020, includes as among others guidance to support safe working in educational settings, guidance on vulnerable children treatment, and all measures concerning schools in general during the pandemic.
- The school funding: exceptional costs associated with Coronavirus for March to July 2020³¹, set the eligibility for schools to receive extra funding, how schools can access funding, what additional costs are covered by the fund, and what funding allowances can be received, among others.

Specific recommendations:

18. The UK should be encouraged to:

- Consider aligning with the Education 2030 Framework for Action by providing twelve years of free primary and secondary education and one year of free and compulsory pre-primary education for all within its territory.
- Consider harmonizing legislation to ensure the minimum age of marriage for both girls and boys is set at the age of 18, with no exceptions.
- Introduce legal protection for the right to education of pregnant and parenting women.

²⁸ https://planipolis.iiep.unesco.org/sites/default/files/ressources/uk_wales_renew-and-reform-supporting-learners-wellbeing-and-progression.pdf

²⁹ <https://www.gov.uk/government/collections/guidance-for-schools-coronavirus-covid-19>

³⁰ <https://www.education-ni.gov.uk/department-education-releases-covid-19-coronavirus>

³¹ https://planipolis.iiep.unesco.org/sites/default/files/ressources/uk_school_funding_exceptional_costs_associated_coronaviruscovid-19_march_july_2020.pdf

- Consider increasing its government expenditure on education to reach the 15-20% threshold required by the 2030 Education framework for Action.
- Continue to enhance the digital inclusion of learners and teachers.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's [Observatory on the Right to Education](#) and [Her Atlas: Monitoring of the right to education for girls and women](#).

B. Freedom of opinion and expression

19. The UK, through its justice system, is urged to investigate the unresolved case of a killed journalist, and to continue voluntary reporting on the status of judicial follow-up to UNESCO.
20. The government may wish to define online harms with due consideration of human rights, to avoid grey areas in terms of legality, and to refrain from equating actual to potential harm, drawing inter alia upon the Rabat Plan of Action principles.

C. Cultural Rights

21. The UK is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the UK is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as marginalized groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

22. The UK did not submit its national report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2018 to 2021. Therefore, the UK is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring, in this case, active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research. The UK is encouraged to provide input on the issues covered by the 2017 Recommendation in its UPR report allowing a dedicated discussion at the Human Rights Council and the formulation of specific recommendations. Additionally, the UK is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers.