

Universal Periodic Review of the United Kingdom – 10 April 2008

Review Session Opening: Michael Wills, Minister of State, Ministry of Justice

Introductory Points:

The United Kingdom reaffirms its commitment to human rights. During 2006, the United Kingdom made human rights pledges and commitments. We see this UPR process as one that is less of an examination and as more as an opportunity for discussion. We have consulted broadly with civil society. In tackling terrorism we see human rights as remaining the most significant duty. Gave diplomatic assurances on deportation cases.

Issues Raised:

Child abuse, reservations on the Convention on the Rights of the Child, Review of Immigration Laws, Considerations of the implications of signing the Convention on Forced Disappearances, Northern Ireland.

Discussion:

Syria:

Raised issue with Para 80 of the UK Government Report where a range of powers appear to have been granted to the security forces for combating terrorism. Also raised the issue of new laws being specifically designed for specific groups.

Belgium:

Raised the issue of the new Human Rights Act and the hostility towards the Act from the British media. Requested the UK to provide information on the role of the Press Offices in the release of information on the Act.

Russia:

Raised the issue that despite the fact the Magna Carta was adopted in the UK, thereby limiting the power of the monarchy, women only gained the vote in recent history. Made a number of recommendations including; detention conditions and time limits for detention.

Sri Lanka:

Asked what progress had been made towards an enquiry into the events of Bloody Sunday. Asked whether there had been any complicity in the deaths of civilians by paramilitaries.

Slovenia:

Raised the issue of Res 5/1, Gender Perspective in the UPR, as to what gender perspective the UK Government had undertaken in its consultations and the writing of its report. Raised the issue of the detention of children from asylum-seeker families and whether such detention was compliant with the Convention on the Rights of the Child. Raised the question of whether there was equal protection under UK Law from violence.

Cuba:

Made a statement that freedom of expression and opinion is a sacred right that must be free from racial discrimination. Then went on to state that Cuba does not share the UK's approach that any steps for combating terrorism are valid as Cuba believes this does not respect human rights principles. Recommended that the UK ratify and implement the Convention Against Racial Discrimination and amend its counter-terrorism laws.

India:

Raised the issue of racial discrimination and prejudice, requesting information of the actual situation on the ground in the UK. Raised the issue of the increase in violence against women.

Peru:

Raised issue with Para 19 of the UK Government Report in respect to individual petitions. Raised the issue of Judicial and Legal Training in Human Rights and that no reference was made to the fact of whether such training was available and/or mandatory for the armed forces.

Malaysia:

Asked whether outcomes have improved as the result of investigations into police behaviour. Asked whether the UK considers treating the root causes of terrorism as equally important to terrorism itself.

Pakistan:

Stated that there is a clear distinction between violent extremists and Muslims. In this regard asked why the public perception of the Human Rights Act differs from the Acts objectives. Raised the issue of the incompatibility of the counter-terrorism laws and the protection of human rights.

Mexico:

Stated that in strengthening its approach in the fight against terrorism the UK needed to protect human rights.

UK Response:

Terrorism – The UK Government stated that it has never taken an approach to countering terrorism that has allowed them to take any measures that they choose.

Implementation of the Human Rights Act – The UK Government stated that there had been a misunderstanding in the UK media as to the application of the Act.

Northern Ireland – Bloody Sunday did require an investigation.

Protection of Children – The UK Government stated that unaccompanied children are not usually detained and if they are detained it is done solely so as to ensure the safety of the child.

Physical Punishment of Children – The UK Government stated that the UK retained the belief that there was reasonable scope for parental discipline and had not outlawed smacking.

Discussion Continued:**Japan:**

Asked whether the UK would adopt the Optional Protocol to the Convention on the Rights of the Child. Asked whether the new Human Rights Act was applicable to UK Armed Forces stationed overseas. Questioned whether the Human Rights Act had restricted application in overseas territories. Questioned whether lawyers had been denied access to their clients in instances of suspected terrorism.

Ghana:

Recommended that the UK regularly review its counter-Terrorism Legislation to ensure a commitment to human rights obligations.

Sudan:

Asked whether the UK had conducted investigations into UK forces overseas. Asked for information on the category of “Nom Doms”, i.e. what it meant and how they were identified. Stated that physical pressure can be deemed to be a form of torture.

France:

Raised the issue of Corporal Punishment and whether it would be banned in private sectors and overseas territories. Asked whether the UK intended to sign the Convention on Enforced Disappearances.

Netherlands:

Raised the issue of the situation of minority sexual orientation in the UK.

USA:

Raised the issue of the need for prison reform in the UK in respect to overcrowding and suicide rates amongst prisoners.

Canada:

Raised issues of Privacy, rights of elderly, and the need to recognise sexual orientation as a ground for being granted asylum.

Switzerland:

Raised the issue of the length of pr \hat{e} -trial detention in the UK.

Iran:

Stated that the UK was experiencing increased racial prejudice against ethnic minorities. Stated that the UK had given only a limited acceptance of the Convention Against Torture, particularly in its application abroad.

Germany:

Raised the Committee on the Convention Against Racial Discrimination report findings, s19(d), where UK law allowed Immigration Officers to distinguish people on the basis of their ethnicity.

UK Response:

British Forces Overseas – The UK Government stated that human rights obligations are territorial, UK forces are subject to UK Criminal Law, the UK condemns all instances of abuse amongst the forces, in overseas areas where humanitarian law is applicable the UK does take care to uphold such standards.

Human Rights Culture – The UK Government advised that it had made significant improvements in the human rights culture in the UK Police Force.

Complicity in Northern Ireland – The UK Government stated that it does recognise the need to address the legacy of the situation in Northern Ireland.

Racism – The UK Government stated that it takes the matter of racism extremely seriously.

“Stop and Search” section of the Terrorism Act – The UK Government stated that the criteria that allowed officials to “stop and search” suspected individuals should reflect an effective assessment

of threat posed and not racial affiliation. The UK Government stated that it wishes to build close relationships with Muslim communities.

Prisons – The UK Government advised that there has been an increase in prisoner numbers alongside an overall decrease in crime.

Ageism – The UK Government advised that it had introduced prohibition against age discrimination in the workplace.

Discussion continued:

Morocco:

Raised Para 36 of the UK Government Report.

Sweden:

Raised the needs for full ratification of the Convention on the Rights of the Child.

Korea:

Raised the issue of s19(d) of the Committee for the Convention Eliminating Racial Discrimination report in respect to racial profiling by Immigration Officers.

Azerbaijan:

Raised the issue of the UK not ratifying the Optional Protocol to the Convention on the Rights of the Child. Asked what measures the UK Government was taking in order to do so.

Algeria:

Called on the UK to change the high rate of incarceration of children and the techniques used on them. Called on the UK to harmonise its terrorism laws with UK human rights obligations.

Italy:

Questioned the UK's NHRI's combatibility with the Paris Principles. Raised the issue of combatibility with the Convention on the Rights of the Child with the level of violence perpetuated towards children.

China:

Asked what level of participation ethnic minorities have in public affairs.

Nigeria:

Stated that Economic, Social and Cultural rights needed to be seen as important as Civil and Political rights.

Romania:

Asked what measures the UK intends to take on the Optional Protocol of the Convention on the Rights of the Child.

New Zealand:

Asked whether there were any moves to merge human rights bodies in the UK. And, what domestic discussion if any had there been on treaty bodies role within such human rights institutions.

UK Response:

Violence Against Women – The UK Government stated that it takes this matter very seriously.

Detention – The UK Government stated that it is building in safeguards to its provisions around all detention periods.

S19(d) Immigration Officers and Racial Profiling – The UK Government stated that its Immigration Officers profile nationality on the basis of those that represent the most risk for absconding.

Equalities in Human Rights Commission – The UK Government stated that the Commission would play a major role in ensuring equality.

Discussion continued:**Egypt:**

Raised the issue of the UK's involvement in armed conflict and racial discrimination in the UK.

Norway:

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Ecuador:

Raised the issue of migrant rights in the UK.

Argentina:

Raised the issue of the “illegal occupation” of overseas territories, raising the issue of sovereignty disputes in overseas territories.

Israel:

Raised the issue of asylum seekers legal status and financial assistance in the UK. Also raised the issue of the minimum wage in the UK.

Indonesia:

Raised the issue of hostile attitudes towards specific groups in the UK. Also raised the need for complete ratification and implementation of the Convention on the Rights of the Child.

Brazil:

Raised the issue of racial profiling in the UK. Questioned the legal age of custody for children.

UK Response:

Economic, Social and Cultural Rights – The UK Government stated that it did recognise the significance of ESCR, particularly in relation to certain groups.

Overseas “Occupation” of Territory – The UK Government advised that its position on sovereignty has not changed and that it is based upon the principle of self-determination.

National Minimum Wage – The UK Government stated that it would continue to take advice on this issue.

Criminal Responsibility of Children – The UK Government stated that children in the UK acquire criminal responsibility from the age of 10 years. But, that such incarceration and sentencing had a rehabilitative rather than punitive basis.

Close:

The UK Government stated that it was delighted to share its resources developed for the promotion of human rights. And, that it would provide a detailed written reply to all questions raised, making a formal response at the June session of the Human Rights Council.