

# *Council of Europe contribution for the 41<sup>st</sup> UPR session (Oct-Nov 2022) regarding United Kingdom*

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## Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The report on the CPT's 2021 periodic visit to UK remains confidential.

See: [News flash on the June 2021 visit](#)

The CPT's report on the May 2019 ad hoc visit to the UK (England):

This targeted ad hoc visit to England focussed on the persistently high levels of violence in the local male adult prisons (HMP Doncaster, Liverpool and Wormwood Scrubs), and juvenile detention centres (Feltham A and Cookham Wood Young Offenders Institutions (YOI) and Rainsbrook Secure Training Centre (STC)), as well as on broader concerns regarding regimes, the use of force, segregation and use of means of restraint. The visit was a direct follow-up to the CPT's April 2016 visit to the United Kingdom and to the discussions held with Ministers in London in April 2017.

Report:



**CPT\_inf\_2020\_18\_UK.pdf**

Executive summary:



**CPT\_inf\_2020\_18\_part  
\_UK.pdf**

In response to the report, the United Kingdom authorities provided detailed information on the situation in prisons, including measures underway to increase recruitment and provide longer training periods for new-entrant prison staff, anti-violence interventions, measures to bolster physical and procedural security at prisons to stop the in-flow of drugs into prisons and the offender management Key Worker scheme, among other things.

Response:



**CPT\_inf\_2020\_19\_resp  
\_gov\_UK.pdf**

The CPT's reports on the 2018 and 2019 ad hoc visits to the UK (Scotland)

The CPT raised the problem of overcrowding and high numbers in prisons. In the adult male prisons visited in October 2018, the CPT was most concerned by the practice of long-term segregation of inmates in the Separation and Reintegration Units (SRU) in Edinburgh, Barlinnie, Grampian and Shotts Prisons. It found, inter alia, that many of these prisoners were being segregated for extremely long periods of time – for several months and, occasionally, years. The CPT also raised serious concerns about the treatment of women prisoners held in segregation at Cornton Vale Prison.

The CPT found that police custody facilities were generally safe environments. However, nearly one-third of the 70 persons interviewed made allegations of excessive use of force upon apprehension by police officers, notably excessively tight handcuffing and/or of wider abuse, resulting in injuries.

Report on October 2018 visit:



**CPT\_inf\_2019\_29\_UK.pdf**

Executive summary:



**CPT\_inf\_2019-29\_part  
\_UK.pdf**

Response :



**CPT\_inf\_2019\_30\_resp  
\_gov\_UK.pdf**

In October 2019, carried out a follow up visit on certain issues of concern to the Committee that had been raised in its report on the 2018 visit to Scotland, notably the use of segregation and mental health care for women prisoners in Cornton Vale Prison. Issues of overcrowding and long-term segregation in the male custodial estate were also addressed.

Report on October 2019 visit:



**CPT\_inf\_2020\_28\_UK.pdf**

Executive summary:



**CPT\_inf\_2020\_28 part  
\_UK.pdf**

Response:



**CPT\_inf\_2020\_29\_UK.pdf**

The CPT's reports on the August/September 2017 ad hoc visit to the UK (Northern Ireland)

The CPT examined the conditions of detention and treatment of inmates at Maghaberry Prison and at Ash House women's prison within Hydebank Wood College. Shannon Clinic, the only medium secure psychiatric establishment in Northern Ireland was also visited. Further, several police stations were visited to examine the situation of persons apprehended by the police.

Report:



CPT\_inf\_2018\_47\_UK.pdf

Executive summary:



\_inf\_2018\_47\_part\_UK.pdf

Response:



Cpt\_inf\_2018\_48\_resp\_UK.pdf

## Council of Europe Commissioner for Human Rights

*The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.*

### **1. Commissioner urges the UK to initiate an independent, judge-led inquiry into counterterrorism abuses**

#### Summary:

On 4 September 2018, the Commissioner published her exchange of letters with the Rt. Honourable Theresa May, Prime Minister of the United Kingdom, on the topic of a judge-led inquiry into detainee mistreatment and renditions following the terrorist attacks of 11 September 2001. The Commissioner called for such an inquiry to follow up on questions that had remained unanswered and uninvestigated in the report of the Parliament's Intelligence and Security Committee (ISC). She noted that agreeing to such an inquiry would enable the United Kingdom to learn all necessary lessons of the past, which could be used to strengthen the human rights compliance of current policies and practices aimed at addressing the challenge of terrorism. It would also send out a positive signal about the United Kingdom's commitment to combating impunity, she noted.

The letter is available on the Commissioner's website along with the reply from the Prime Minister.



CommHR\_DM\_071\_2018.pdf



Response\_to\_CommHR\_UKGov.pdf

### **2. Commissioner urges Scotland's government to increase the age of criminal responsibility**

#### Summary:

On 20 December 2018, the Commissioner published a letter addressed to Maree Todd MSP, Scottish Minister for Children and Young People, on the Age of Criminal Responsibility (Scotland) Bill. In light of the fact that Scotland has the lowest age of criminal responsibility in Europe, at 8 years of age, the

Commissioner welcomed the Government’s intention to raise it. However, the Commissioner urged the Scottish Government to increase the age of criminal responsibility to 14 at least, rather than 12 as currently proposed. This, she indicated, would be an important step in ensuring a child-friendly approach to dealing with children who come into conflict with the law, in line with Council of Europe and UN standards. Additionally, the Commissioner called for very clear safeguards in relation to the recording and disclosure of information about children who come into conflict with the law, which can have serious implications for their future lives. Similarly, provisions in the Bill concerning police powers with regard to children under the age of criminal responsibility should ensure prevention, education and diversion from any procedure that could look like a criminal investigation. In this regard, the Commissioner called for ensuring sufficient guarantees that when children need to be taken to a place of safety, reasonable alternatives to taking them to police stations are available in practice, and that they provide for a child-friendly and non-custodial environment.

The letter is available on the Commissioner’s website along with the reply from the Scottish Minister for Children and Young Persons.

Follow up:

Following the Commissioner’s letter to the Minister, the Convener of the Scottish Parliament’s Equalities and Human Rights Committee invited the Commissioner to submit further evidence on the Age of Criminal Responsibility (Scotland) Bill. The Commissioner did so by letter of 10 January 2019 (see below, number 3).



### **3. Commissioner provides evidence to the Scottish Parliament on the age of criminal responsibility**

Summary:

On 16 January 2019, the Commissioner published her letter to the Convener of the Scottish Parliament’s Equalities and Human Rights Committee regarding the Age of Criminal Responsibility (Scotland) Bill. This followed her exchange with Scotland’s Minister for Children and Young People on this issue in December 2018. In her letter, the Commissioner provided further clarification of her call to increase the age of criminal responsibility to 14 at least, but preferably higher, rather than to 12 as proposed by the Government. She noted that, despite the specific features of the Scottish system of dealing with children who come into conflict with the law, international human rights standards on the age of criminal responsibility are developed to provide minimum safeguards regardless of member states’ diversity of laws, policies and practices. She also noted that setting an appropriately high age of criminal responsibility would have important implications for the protection of the rights of children who come into conflict with the law, even if few are prosecuted in courts in Scotland. The Commissioner reiterated that setting the age of criminal responsibility at 14 as an absolute minimum, but with a higher age being preferable, would exclude a larger group of children from being dealt with as offenders in the Scottish system, which would help further strengthen the system’s focus on protecting vulnerable children who engage in harmful behavior.



**CommHR\_DM\_001\_20  
19.pdf**

#### **4. Julian Assange should not be extradited due to potential impact on press freedom and concerns about ill-treatment**

Summary:

On 20 February 2020, the Commissioner published a [statement](#) about the ongoing proceedings concerning the extradition of Julian Assange from the United Kingdom to the United States. She noted that Assange's potential extradition has human rights implications that reach far beyond his individual case. She characterised the broad and vague nature of the allegations against him as troubling as many of them concern activities at the core of investigative journalism. Allowing Assange's extradition on this basis would have a chilling effect on media freedom. She also noted concerns, particularly from the UN Special Rapporteur on Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, that there was a real risk that his treatment in the United States would contravene Article 3 of the ECHR. In view of both concerns, she expressed her view that he should not be extradited.

#### **5. UK lawmakers should reject provisions of the Overseas Operations Bill undermining the fight against impunity for serious human rights violations**

Summary:

On 3 November 2020, the Commissioner published her letter to the Speaker and all members of the House of Commons of the United Kingdom in relation to the Overseas Operations (Service Personnel and Veterans) Bill. She noted that provisions of the bill gave cause for grave concern about their compliance with the United Kingdom's international human rights obligations and called on Members of Parliament to reject any measures that would undermine the fight against impunity for serious human rights violations or the right of victims to reparations. In this respect, she specifically pointed to the introduction of a presumption against prosecution of service personnel for acts committed more than five years earlier. She noted that this could act as a de facto statute of limitations, and that investigations of serious human rights violations may fail to meet the requirement under the European Convention on Human Rights of being capable of leading to the punishment of those responsible. The Commissioner also expressed concerns about provisions regarding claims for compensation which could undermine victims' rights to prompt and adequate reparations. Additionally, she noted that legislating for a duty for future governments to consider derogating from the Convention in case of any significant overseas operation could serve as a future incentive to avoid scrutiny and accountability for serious human rights violations. She further warned that the discourse around the bill should not draw away much-needed attention from holding perpetrators to account and achieving justice for victims, and that some of the language used had been intimidating to potential claimants and the legal professionals who assist them.



**CommHR\_DM\_027\_20  
20.pdf**

## **6. United Kingdom: Parliamentarians should reject restrictions on peaceful demonstration, criminalisation of Gypsy, Roma and Traveller communities**

### Summary:

In a letter addressed to the Speaker of the House of Commons, the Rt Hon Sir Lindsay Hoyle MP, and the Lord Speaker of the House of Lords, the Rt Hon the Lord McFall of Alcluith, the Commissioner called on parliamentarians to reject restrictions on peaceful demonstrations and the proposed criminal offence of trespass in case of unauthorised encampment. She noted that new possibilities to impose conditions on demonstrations in England and Wales were often broadly formulated and risked arbitrary application, affecting the rights to freedom of expression and freedom of peaceful assembly. She also highlighted that the proposed new criminal offence of trespass could have a potential negative impact on Gypsy, Roma and Traveller communities leading a nomadic lifestyle, whose marginalisation has been exacerbated by the reduction of socially rented sites.



**CommHR\_DM\_024\_20  
21.pdf**

## **7. UK government's legacy proposals must not undermine human rights and cut off victims' avenues to justice in Northern Ireland**

### Summary:

In a letter to the Secretary of State for Northern Ireland, the Rt Hon Brandon Lewis MP, the Commissioner warned that a new plan by the UK government for dealing with the legacy of the Troubles in Northern Ireland would undermine human rights protections. She noted that the proposal on ending investigations and prosecutions, including through a statute of limitations, would fall short of obligations under the ECHR to carry out effective investigations. The Commissioner also addressed the interlinkages between investigations and prosecutions, on the one hand, and truth and reconciliation, on the other, highlighting that impunity and the absence of justice can be a major impediment to achieving lasting peace and reconciliation. She noted that the proposals, rather than bringing legacy issues to a close, would only create further delays in dealing with the past effectively. Finally, she noted the lack of a victim-centred approach.

The letter is available on the Commissioner's website, along with the reply from the Secretary of State for Northern Ireland.



**CommHR\_DM\_034\_20  
21.pdf**



**Northern  
Ireland\_response\_Con**

## **8. Safe and legal routes and protection of human rights must take centre stage in co-operation between the United Kingdom and France on Channel crossings**

### Summary:

On 8 December 2021, the Commissioner published her letters to the Home Secretary of the United Kingdom, Priti Patel, and the Minister of Interior of France, Gérald Darmanin. This followed the tragic incident on 24 November, in which at least 27 women, men and children drowned while attempting to cross the Channel. The Commissioner noted that the underlying issues of the lack of safe and legal routes and other human rights aspects of this situation had largely been ignored. She particularly noted the lack of a framework for persons staying in France to apply for asylum or for a right to stay on other grounds in the UK. She also highlighted that the increasingly exclusive focus on security was exacerbating the situation by redirecting people towards the most dangerous routes. She called for co-operation to ensure access to asylum, effective co-ordination of rescue at sea, safeguards in case of return and humane and dignified treatment of all.

The letter is available on the Commissioner's website along with the reply from the Home Secretary of the United Kingdom.



**CommHR\_DM\_050\_20  
21.pdf**



**Home\_Office\_CommH  
R\_2021.pdf**

### ***Fight against racism and intolerance (ECRI)***

*The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.*

Conclusions on the United Kingdom (adopted on 3 April 2019 / published on 6 June 2019)



**ECRI\_2019\_28\_UK.pdf**

### ***Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)***



*Under the authority of the Committee of Ministers and bearing in mind the Council of Europe’s legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe’s intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter’s mandate.*

*The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.*

*The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.*

In 2021, the CDADI prepared a [Compilation of promising and good practices on “Responses to the Covid-19 pandemic in the fields of non-discrimination, diversity and inclusion”](#) that cover examples from most CoE member States. Based on that work, it prepared [Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the COVID-19 and similar crises](#), together with an [Explanatory memorandum](#), which were adopted by the Committee of Ministers on 5 May 2021



## Protection of minorities

### Framework Convention for the Protection of National Minorities

*The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.*

The Advisory Committee on the Framework Convention adopted its 4th Opinion on the United Kingdom on 25 May 2016.



The Resolution CM/ResCMN(2018)1 on the implementation of the Framework Convention for the Protection on National Minorities by the United Kingdom was adopted by the Committee of Ministers on 7 February 2018 at the 1306th meeting of the Ministers’ Deputies.



**FCNM\_Resolution\_C  
M\_UK.pdf**

The United Kingdom submitted its 5th state report in November 2021.



**ACFC\_SR\_V\_2021\_009  
\_UK.pdf**

### ***European Charter for Regional or Minority Languages***

The *Charter's monitoring procedure* is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

The Committee of Experts adopted its fifth evaluation report in respect of the United Kingdom on 20 June 2018.



**ECRML\_CM\_2019\_84\_  
Final\_UK.pdf**

The Committee of Ministers adopted Recommendation CM/RecChL(2020)1 on the application of the European Charter for Regional or Minority Languages by the United Kingdom on 1 July 2020 at the 1380th meeting of the Ministers' Deputies.



**ECRML\_CM\_2020\_1\_U  
K.pdf**

On 22 March 2021 the Committee of Experts adopted its evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report on the United Kingdom.



**MIN-LANG\_2021\_3\_U  
K.pdf**

The Committee of Ministers took note of it on 16 June 2021.



**CM\_Del\_Dec\_2021\_14  
07\_10.4a\_UK.pdf**

## **Ad hoc Committee of Experts on Roma and Traveller Issues (ADI-ROM)**

*Under the authority of the Committee of Ministers and as a subordinate body to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), the Committee of Experts on Roma and traveller Issues (ADI-ROM) is given the general task of assisting member states in the development and implementation of successful Roma and Traveller inclusion policies by overseeing the implementation of the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025), reviewing the implementation of relevant national legislation, policy and practice, exchanging information and experience, and identifying examples of effective measures on Roma and Traveller inclusion.*

*In 2021, the ADI-ROM prepared a Compilation of examples of good practice of Roma and/or Traveller inclusion at national, regional or local levels, to be adopted in 2022. The following deliverables are inscribed in the ADI ROM terms of reference for the coming period: Mid-term review report on the implementation of the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025); Draft Recommendation on equality for Roma and Traveller women and girls; Capacity-building programme and tools supporting the implementation of Recommendation [CM/Rec\(2020\)2](#) at national level; Feasibility study and possible draft Recommendation on desegregation and inclusion policies and practices in the field of education including Roma and Traveller children; Handbook on democratic governance as well as representation and participation of Roma and Travellers in public and political life; Final evaluation report on the implementation of the Strategic Action Plan for Roma and Traveller Inclusion 2020-2025 and at least two thematic reports per year, emanating from the two, possibly three, thematic visits foreseen per year.*



**ADI-ROM\_CMRec\_20  
20\_2.pdf**

## **Action against trafficking in human beings (GRETA)**

*The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.*

*The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.*

*The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.*

*Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action*

against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (3<sup>rd</sup> evaluation round):



[Press release](#)

### Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), [CETS No. 210](#)) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

[GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

n/a

### Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been

*provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts “implementation reports” which contain its evaluation of the situation (“monitoring findings”). To assess whether Parties have acted upon its monitoring findings, the Lanzarote Committee carries out compliance procedures. To date (2022) this has been done with respect to monitoring findings concerning the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse. Compliance procedures to assess measures taken with respect to the Committee’s monitoring findings concerning the protection of children against sexual abuse in the circle of trust should be launched before the end of 2022.*

The United Kingdom ratified the Lanzarote Convention on 20 June 2018, and it entered into force in its respect on 1 October 2018.

Since the United Kingdom became a Party to the Convention after the launching of all the monitoring rounds carried out so far by the Lanzarote Committee, it has not yet been assessed with regard to the “Protection of children against sexual abuse in the circle of trust”, Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” and “Protecting children against sexual exploitation and sexual abuse facilitated by ICTs: Addressing the challenges raised by child self-generated sexual images and/or videos”.

By the end of 2022, the Committee plans to launch an evaluation of the situation with respect to the “Protection of children against sexual abuse in the circle of trust” for all Parties it had not assessed during its 1<sup>st</sup> thematic monitoring round and this will thus include the United Kingdom.

### **Fight against corruption (GRECO)**

*The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a “compliance procedure”, assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.*

The United Kingdom was evaluated in 2017 under the Fifth Evaluation Round on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding [5<sup>th</sup> Round Evaluation report](#) was adopted by GRECO Plenary and made public in 2018. GRECO’s [5<sup>th</sup> Round Compliance Report](#), assessing the implementation of recommendations was made public in 2021. Additional information from the authorities is due by 30 September 2022.





**GRECORCS2020\_4\_U  
K.pdf**

Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors”, the publication of the [4th Round Second Compliance Report](#) in 2017 terminated the compliance procedure in respect of the United Kingdom.



**GRECORCA2017\_6\_U  
K.pdf**

## ***Execution of judgments and decisions of the European Court of Human Rights***

### ***Statistical data***

As of 25 February 2022, the United Kingdom has 15 pending cases before the Committee of Ministers for supervision of their execution. Seven of these cases are leading cases, on which three of these are under the enhanced procedure (the procedure for complex and/or structural problems). In 2021, 10 cases against the United Kingdom (including five friendly settlements) were transmitted by the Court to the Committee of Ministers (CM). Two leading, three repetitive and four friendly settlement cases were closed for supervision by the CM in 2021. In addition, one leading case and one friendly settlement have been closed so far in 2022.

### ***Main cases / groups of cases under the Committee of Ministers’ supervision***

[McKerr v. the United Kingdom](#): Leading judgment of 4 May 2001 (seven repetitive cases), enhanced procedure. This group of cases mainly concern various shortcomings in the investigations into the deaths of the applicants’ next-of-kin in Northern Ireland in the 1980s and 1990s, either during security force operations or in circumstances giving rise to suspicion of collusion in their deaths by security force personnel (violation of procedural limb of Article 2, also a violation of Article 34 in respect to the repetitive case [McShane v. the United Kingdom](#)).



**MCKERR v. the  
United Kingdom.pdf**

[Gaughran v. the United Kingdom](#): Judgment of 13 February 2020, enhanced supervision. The case concerns the disproportionate interference with the applicant's right to respect for his private life due to the indefinite retention of his personal data (DNA profile, fingerprints and photograph) taken in 2008, in connection with a spent conviction in Northern Ireland of an offence for driving with excess alcohol (violation of Article 8).



**GAUGHRAN v. the  
United Kingdom.pdf**

[Big Brother Watch and others v. the United Kingdom](#): Grand Chamber judgment of 25 May 2021, standard supervision. The case concerns certain shortcomings in the secret surveillance regime including bulk interception and obtaining communications data from communication service providers in the United Kingdom prior to 2018 (violations of Articles 8 and 10).



**BIG BROTHER  
WATCH AND OTHERS**

[V.C.L. and A.N. v. the United Kingdom](#): Judgment of 5 June 2021, enhanced supervision. The case concerns the authorities' failure to take operational measures in line with international standards to protect two minors, despite a credible suspicion they were trafficking victims (violation of Article 4). The failures to act on an operational level also affected the overall fairness of the applicants' domestic criminal trials for drug-related offences (violation of Article 6).



**V.C.L. AND A.N. v. the  
United Kingdom.pdf**

For a fuller overview of the pending cases against the United Kingdom and the main reforms adopted in the past, see the Department for the Execution of Judgments of the European Court of Human Rights' [Country factsheet](#) and the Committee of Ministers' [Annual Reports](#) on its supervision activity. More detailed information on the status of execution of closed and pending cases can also be found on [Hudoc EXEC](#).

### *Important cases closed recently*

In February 2022, the Committee of Ministers adopted a [final resolution](#), closing the supervision of the execution of the judgment in [J.D. and A v. the United Kingdom](#). The case concerns the discriminatory reduction in housing benefit enjoyed by the second applicant, a woman at risk of domestic violence who benefited from a special Sanctuary Scheme which provided her with a panic room. In October 2021, legislation was amended which clearly exempts victims of domestic violence who are a part of the special Sanctuary Scheme from a reduction in housing benefits.



**Resolution  
CMResDH\_2022)\_19\_I**



**J.D. AND A v. the  
United Kingdom.pdf**

## ***Social and Economic Rights (ECSR)***

*The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.*



**ESC\_UK\_factsheet.pdf**



**Rap\_Cha\_GBR\_41\_202  
2.pdf**

## ***Venice Commission***

*The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe’s advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.*

Since 2017, concerning the United Kingdom, the Commission, upon the request by the Ombudsman and Chair, Parliamentary Health Service Ombudsman, adopted the Opinion on the possible exclusion of the Parliamentary Commissioner for administration and Health Service Commissioner from the “safe space” provided for by the Health and Care Bill ([CDL-AD\(2021\)041](#)).



**CDL-AD\_2021\_041\_UK  
\_Health Care Bill.pdf**