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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review**

**United Kingdom of Great Britain and Northern Ireland**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented  
by the State under review\***

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\* The present document was not edited before being sent to the United Nations translation services.

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

The Government of the United Kingdom welcomed the recommendations made in the course of its Universal Periodic Review on 10 April 2008. It has given them careful consideration, and its responses are as follows:

**1. Elaborate a national programme to combat the problem of overcrowding in prisons. (Russian Federation)**

The United Kingdom **accepts** the recommendation and will implement it immediately.

Lord Carter's review of prisons in England & Wales, which was published on 5 December 2007, looked at demand for prison places over the long and medium term. In response to his recommendations, the UK Government has announced a series of measures that will create an additional 10,500 prison places by 2014.

**2. Consider removal of its reservations to the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict (Russian Federation).**

The United Kingdom **accepts** the recommendation.

The reservations against Article 22 and Article 37(c) of the UN Convention on the Rights of the Child are currently under review.

There are no reservations against the Optional Protocol on the Involvement of Children in Armed Conflict. The UK Government's declaration made upon signature of the Optional Protocol is an interpretive statement rather than a reservation. In it the UK made clear that the British Armed Forces would continue to recruit from age 16 but included a clear commitment to take all feasible measures to ensure those who had not yet reached the age of 18 did not take a direct part in hostilities. The UK does not consider this inconsistent with its obligations under the Optional Protocol, to which it remains firmly committed.

**3. Enshrine in legislation the right of access of detainees to a lawyer immediately after detention, and not after 48 hours (Russian Federation).**

The United Kingdom **accepts** the recommendation.

An immediate right of access to a lawyer is already provided for in UK legislation. In non-terrorist cases, the right to legal advice is usually available immediately following a decision to detain. The Police and Criminal Evidence Act 1984 requires that a person must be told by the custody officer on arrival at the police station of his or her right to legal advice. Should the person decline access to legal advice, the police are required to remind the person of that right at various stages of the pre-charge detention process. Access to legal advice may be delayed on the authorisation of a superintendent if it is considered that the solicitor may, inadvertently or otherwise, pass on a message from the detainee or act in some way which will lead to interfere with or harm evidence or persons or property or lead to alerting others or hinder the recovery of property.

When a person is detained under the Terrorism Act 2000, a senior police officer of Superintendent rank can authorize a delay in permitting access to legal advice for up to 48 hours in limited specified circumstances. As stated in the UK's Sixth Periodic Report to the UN Human Rights Committee (CCPR/C/GBR/6, 18 May 2007), the Government recognises that this is a power which should only be used in exceptional circumstances where there is an overriding public interest.

**4. Introduce strict time limits on pre-charge detention of those suspected of terrorism, and provide information about so-called “secret flights”. (Russian Federation).**

The United Kingdom **accepts** the recommendation.

There are already strict time limits for the pre-charge detention of terrorist suspects (currently up to a maximum of 28 days). The Government's proposal in the Counter-Terrorism Bill will not extend the pre-charge detention limit beyond 28 days now but if enacted will enable the limit to be extended in future – and only then if there is a clear and exceptional need to do so. Given the scale and trend for increasingly large and complex cases the Government believes there may be a need to go beyond 28 days in future. The proposal is for a reserve power only usable in exceptional circumstances, on a temporary basis, and subject to Parliamentary and judicial safeguards. The police and independent reviewer of counter-terrorism legislation support this. The Government believes that the limit balances the need to protect individual human rights against providing the police with the powers they need, when they need them, to deal with terrorism.

The United Kingdom also **accepts** the second part of the recommendation regarding provision of information about so-called “secret flights”. However the UK does not accept any implicit suggestion that it has been complicit in any rendition in breach of its legal obligations.

The UK policy on rendition is clear - we do not render people in breach of our legal obligations. We would only grant permission for rendition through the UK or our Overseas Territories if we were satisfied that it would accord with our domestic law and international obligations. We unreservedly condemn any practice of “extraordinary rendition” to torture. We have always condemned torture.

Contrary to earlier explicit assurances that Diego Garcia, a UK Overseas Territory, had not been used for rendition flights, recent US investigations have now revealed two occasions, both in 2002, when this had in fact occurred. The Foreign Secretary provided this information to Parliament in a statement on 21<sup>st</sup> February. UK officials continue to work with the US on the details and implications of this new information. The Foreign Secretary has written to US Secretary Rice to clarify a number of specific issues. Secretary Rice has also underlined to the Foreign Secretary the firm US understanding that there will be no rendition through the UK, UK airspace or Overseas Territories without express British Government permission.

**5. Consider holding a referendum on the desirability or otherwise of a written constitution, preferably republican, which includes a bill of rights (Sri Lanka).**

The United Kingdom believes that this recommendation falls outside the ambit of the Universal Periodic Review, which was developed to review States' fulfilment of their obligations under international human rights treaties, universal human rights standards, and voluntary commitments on human rights.

The United Kingdom believes that, provided the constitution of a state does not in itself deny or obstruct respect for human rights, its sovereign constitutional arrangements are not a matter for discussion as part of the Universal Periodic Review process.

There is no popular or political pressure within the UK for a referendum on the subject of a written constitution. The Government supports the Monarchy and the continuation of The Queen as the head of state. The Monarchy is the oldest institution of Government in Britain. It has existed longer than Parliament itself, and the Government believes that the present constitutional arrangements continue to be relevant to today's society. It is a vital element in our constitution, personifying both national and Commonwealth unity.

The Government will shortly be publishing a Green Paper on a new Bill of Rights and Responsibilities that will set out fundamental principles that shape democracy in the UK and should inform the decisions of government, Parliament and the courts. Alongside this will be a clear articulation of the responsibilities people in the UK owe to one another, that are intertwined with the rights they enjoy.

**6. Integrate fully a gender perspective in the next stages of the UPR review, including the outcome of the review. (Slovenia)**

The United Kingdom **accepts** the recommendation, and will implement it immediately.

**7. Study, with a view to withdrawing, its interpretative statement to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). (Cuba and Egypt)**

The United Kingdom **does not accept** the recommendation.

The United Kingdom has a long tradition of freedom of speech which allows individuals to hold and express views which may well be contrary to those of the majority of the population, and which many may find distasteful or even offensive. The UK maintains its view that that individuals have the right to express such views so long as they are not expressed violently or do not incite violence or hatred against others. The Government believes that this strikes the right balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

**8. Continue to review all counter-terrorism legislation and ensure that it complies with the highest human rights standards. (Cuba, Ghana and the Netherlands)**

The United Kingdom **accepts** the recommendation, and has already implemented it.

The UK's counter-terrorism legislation is already subject to annual independent review. The independent reviewer of counter-terrorism legislation is required to produce an annual report for the Home Secretary on the operation of the Terrorism Act 2000, the Prevention of Terrorism Act 2005 (control orders) and Part 1 of the Terrorism Act 2006. This report must then also be laid before Parliament. It will continue to be the case that all of the UK's anti-terrorism measures have to be set in the context of the UK's general commitment to human rights and the protection of individual freedoms.

**9. Set up a strategic oversight body, such as a Commission on Violence Against Women to ensure greater coherence and more effective protection for women. (India)**

The United Kingdom **accepts** the recommendation.

The Equality and Human Rights Commission, which was set up in 2007, specifically champions equality, diversity, and human rights, and already has a mandate to cover issues such as violence. Furthermore, it will provide coherent, accessible advice and support for individuals on all discrimination issues. So, in addition to addressing the classic gender issues such as equal pay, pensions, the impact of caring responsibilities and discrimination and the glass ceiling, the broader remit is enabling the new Commission to have a sharper focus on issues such as violence against women.

The Commission will continue to work with women's groups as part of its wider stakeholder strategy which is currently being drawn up, and will feed into policy priorities, through organisations such as the Women's National Commission. The Equality and Human Rights Commission believes that interaction with these groups is the best way for the Commission to gain a real understanding of the issues that many women face on a day to day basis, including as victims of domestic violence and all forms of sexual violence and abuse.

The Commission's extensive powers and duties allow it to operate both generically and specifically as appropriate. It could, for example, seek to address inequalities faced by women as a result of violence. The Commission can conduct formal inquiries where there are persistent inequalities, human rights or good relations issues that need highlighting; and formal investigations where there is evidence of unlawful discrimination. The Equality and Human Rights Commission appears to provide a robust oversight mechanism and the Government will continue to review this as part of on-going work to address violence against women.

**10. Consider going beyond current legislation to protect children from violence and ban corporal punishment also in the private sector and in its Overseas Territories. (France and Italy)**

The United Kingdom **accepts** the recommendation to consider going beyond current legislation if the need arises to protect children from violence, but **does not accept** the implication that it is failing in this regard through the application of its policy on corporal punishment.

Keeping children safe is a top priority for the UK Government. The Government is absolutely clear that no child should be subjected to violence or abuse. It has tightened the law in a number of areas to give greater protection to children. For many years corporal punishment has been banned in both state and independent schools; and also in nursery, childminding and foster care settings. In 2004 the Government amended the law in England and Wales so that parents who cause physical injury to their children can no longer use the "reasonable punishment" defence where they are charged with assaults occasioning cruelty, actual or grievous bodily harm.

The UK Government continues to work in partnership with the governments of the Overseas Territories to encourage them, where appropriate, to put in place policies and legislation to ensure the necessary protection for children.

**11. Provide further information with regard to efforts to reduce poverty among children by half by 2010. (France)**

The United Kingdom **accepts** the recommendation, has implemented it, and will keep the matter under review.

The Government has already met this commitment. In March 2008, the Government published *Ending Child Poverty: Everybody's Business*, which details the Government's strategy to halve child poverty by 2010 and eradicate it by 2020 by:

- Increasing employment and raising incomes;
- Improving the financial and material support for families;
- Tackling deprivation in communities; and,
- Improving poor children's life chances.

**12. Reflect upon and consider setting a date for signing the Convention Against Disappearances (CAD). (France)**

The United Kingdom **accepts** the recommendation, and undertakes to work towards its implementation.

The Government is currently considering the domestic implications for the UK of signing and ratifying the Convention. It is already clear that, prior to signature, we would need to bring in new primary legislation to implement the requirement for States parties to create an offence of enforced disappearance.

**13. Provide more care and attention to the rights of the elderly. (Canada)**

The United Kingdom **accepts** the recommendation and undertakes to work towards its implementation.

The Government has recently introduced a prohibition on age discrimination in employment and vocational training. It has consulted on, and is currently considering, the possibility of extending protection against age discrimination outside the workplace.

**14. Follow the Council of the European Union 'Asylum Qualification Directive' in future cases with regard to sexual orientation as a ground for asylum-seeking. (Canada)**

The United Kingdom **accepts** the recommendation, has implemented it, and will keep the matter under review.

The UK has already fully transposed the provisions of the Qualification Directive (2004/83/EC) into UK law. The Government is committed to providing protection for those individuals found to be genuinely in need, in accordance with our commitments under international law.

If after consideration of the individual merits of their asylum claim, the individual is found (a) to have a well founded fear of persecution and (b) are a member of a 'particular social group' then they will fall within the Refugee Convention and be granted asylum. If an applicant is at risk of persecution but not for reason of membership of a particular social group - or other Refugee Convention reason - they would qualify for Humanitarian Protection.

**15. Strengthen guarantees for detained persons, and not extend but shorten the length of time of pre-trial detentions. (Switzerland)**

The United Kingdom **does not accept** the recommendation

A suspect who has been charged with an indictable offence has a right to bail under the Bail Act 1976, but may be remanded in custody where one or more ‘exceptions to bail’ are present. The most important of these are that there are substantial grounds for believing that if released on bail the defendant would: fail to return to court; commit an offence; or interfere with witnesses or otherwise obstruct the course of justice.

The period for which a defendant who is remanded in custody may be detained is governed by custody time limits which limit the time which may elapse between first appearance and start of trial to 56 (or in certain cases 70) days for cases being tried summarily, and to a total of 182 days for cases tried on indictment. The limits may be extended by the court on application, provided there is a good and sufficient cause for so doing and that the prosecution has shown all due diligence and expedition. When the custody time limit expires, the defendant must be released on bail.

In non-terrorist cases, the period of pre-charge detention is limited to 96 hours under the Police and Criminal Evidence Act (PACE) 1984. Detention is subject to periodic reviews by an Inspector and any extension from 24 hours to 36 hours must be authorised by a Superintendent or above. Any extension beyond 36 hours must be made on application to a court and a magistrate may authorise further periods of detention of no more than 36 hours to end no later than 96 hours from which detention was first authorised. The Government has carried out a public consultation on PACE and concluded that no change should be made to the period of detention.

The Government’s proposal in the Counter-Terrorism Bill will not extend the pre-charge detention limit beyond the current maximum of 28 days now but will enable the limit to be extended in future – and only then if there is a clear and exceptional need to do so. This reserve power will only be used in exceptional circumstances, on a temporary basis, and subject to a Parliamentary debate and stringent judicial safeguards. The Government believes that this proposal balances the need to protect individual human rights against providing the police with the powers they need, when they need them, to deal with terrorism.

**16. Consider that any person detained by its armed forces is under its jurisdiction and respect its obligations concerning the human rights of such individuals. (Switzerland)**

The United Kingdom **accepts** the recommendation that the UK should respect its obligations concerning the human rights of detained persons but **does not accept** that any person detained by our armed forces is under our jurisdiction.

To the extent that the UK has human rights obligations in respect of persons detained by the armed forces, we comply fully with them.

However, the House of Lords, the UK’s highest court, has held that those detained by UK Forces operating overseas fall within UK jurisdiction for the purposes of the European Convention on Human Rights only in very limited circumstances. Other international human rights treaty obligations may also be applicable in limited circumstances.

**17. Accept the full and unrestricted implementation of the provisions of the Convention against Torture and the ICCPR in territories under its control. (Algeria)**

The UK **accepts** the recommendation that it should comply fully with its obligations under the ICCPR and the CAT. The United Kingdom strives to ensure full compliance with all its human rights obligations.

The UK **does not accept** that it should lift all its reservations to the ICCPR or that it should accelerate extension of the CAT and the ICCPR to all the territories under its control.

The UK is progressively working towards extending the UK's ratification of the ICCPR and CAT (along with ICESCR, CERD, CEDAW, and CRC) to all permanently populated Overseas Territories. The United Kingdom takes its international obligations very seriously and tries wherever possible to avoid reservations, as well as keeping those that it does have to a minimum and under continual review.

The UK currently has some specific reservations on behalf of the Overseas Territories made on ratification of the ICCPR. These cover a number of issues including the guarantee of free legal assistance, immigration and nationality. Geographical limitations, the lack of capacity and limited resources mean that some of the Overseas Territories are currently unable to comply fully with all the relevant articles of the Conventions. However, we continue to keep this under review.

**18. Address the high incarceration rate of children, and ensure that the privacy of children is protected and to put an end to the so-called “painful techniques” applied to children. (Algeria)**

a. The United Kingdom **accepts** the recommendation with regard to the high incarceration rate of children, and undertakes to work towards its implementation.

The Government is currently legislating to put in place a new community sentence for young people under 18, to be known as the Youth Rehabilitation Order (YRO). That will enable sentencers to draw from a large menu of community intervention, so as to adapt the sentence to the needs of the individual young person. The YRO includes provision for intensive supervision of young people who are at high risk of a custodial sentence. The Government believes this will increase the confidence of the courts in alternative forms of intervention.

In Northern Ireland, where the number of children sentenced to custody has been in steady decline, similar provisions already exist to provide courts with wider sentencing options. In particular, the Youth Conference Order, which is rooted in restorative principles, provides a menu of interventions to meet the needs of offender and victim alike.

b. The United Kingdom **does not accept** the recommendation with regard to so-called “painful techniques” applied to children.

The availability, in extreme circumstances, of “distraction techniques” to restrain young people in custody who are endangering other young people or members of staff is currently being considered by the independent Joint Review of Restraint in Juvenile Secure Settings. The techniques, which involve momentary discomfort to the young person, are to enable the usual restraint holds, which are specifically designed to avoid use of pain, to be applied. The chairs of the Joint Review are due to report to Ministers on 20 June.

**19. Harmonise its legislation with its human rights obligations towards individual protesters exercising their freedom of expression and opinion and to curtail excessive pre-trial detention. (Algeria)**

The UK **accepts** the recommendation that legislation on freedom of expression and opinion should be in harmony with human rights obligations and is satisfied that existing arrangements are completely in line with our obligations in this regard. The UK **agrees** that pre-trial detention should never be excessive and will continue to ensure that this is the case.

Peaceful protest is a vital part of a democratic society and has a very long and respected tradition in the UK. The right to freedom of expression, enshrined in Article 10 of the European Convention on Human Rights, was given further effect in UK law by the Human rights Act 1998. This right is not absolute and needs to be balanced with other rights such as those to respect private and family life, or the interests of public safety.

The provisions in the Public Order Act 1986 give the police powers to manage assemblies and marches to minimise public disorder, reflecting the need to consider and weigh different rights against each other and gauge competing interests.

Provisions in sections 132 to 138 of the Serious Organised Crime and Police Act 2005 require organisers of demonstrations in a designated area around Parliament to notify the police in advance. The Government is satisfied that the provisions are compliant with ECHR, but are aware of strong views expressed in reaction to provisions on demonstrations around Parliament. Having consulted widely and considered the arguments on ensuring that a person's right to protest is not subject to unnecessary restrictions and with a presumption in favour of the freedom of expression in the context of a dynamic security situation, the Government has announced its intention to repeal sections 132 to 138 of the Act.

The UK government is not proposing excessive pre-charge detention. The proposal in the Counter-Terrorism Bill will not extend the pre-charge detention limit now but will enable the limit to be extended in future – and only then if there is a clear and exceptional need to do so.

**20. Protect the children and families of migrants and refugees (Algeria, Ecuador) and accede to the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW). (Algeria, Ecuador and Egypt).**

The UK **applauds** the intention and spirit of the recommendation to protect the children and families of migrants and refugees, but **does not accept** that accession to the ICMRW is required in order to achieve this.

In the UK, the rights of children and family members of migrants and refugees are already protected by UK legislation, including the Human Rights Act 1998, and by the UK's commitments under International Law. As the laws and systems to protect the health and safety, human rights, and employment rights of UK nationals extend to foreign nationals, the UK has no plans to sign the International Convention on Protection of the Rights of All Migrant Workers and Members of their Families.

**21. Facilitate access by the International Committee of the Red Cross (ICRC) to its prisons. (Algeria)**

The United Kingdom **does not accept** the recommendation.

UK prisons are subject to independent professional inspection by Her Majesty's Inspectors of Prisons, by the European Committee for the Prevention of Torture, and by the United Nations Subcommittee for the Prevention of Torture (under the Optional Protocol to the UN Convention Against Torture). In view of the range of national and international monitoring bodies that have unimpeded access to places of detention in the UK, the Government is not convinced of the added benefit of allowing the International Committee of the Red Cross to access its prisons.

**22. Elaborate specific policies and programmes aimed at ensuring that its applicable human rights obligations are not violated in situations of armed conflict. (Egypt)**

The United Kingdom **accepts** the recommendation, and will implement it immediately.

All members of UK Armed Forces receive regular training on the law of armed conflict. This training reflects applicable human rights obligations. The UK Government is satisfied that practical training for troops deploying on operations offers a high standard of preparation for dealing with the detention of civilians. However, the Government is not complacent and continues to demand the very highest standards of conduct from all UK troops. In addition to pre-deployment training, UK troops on operations are continually reminded of the standards to be maintained while any individuals are detained in UK custody

**23. Enhance its programmes aimed at addressing socio-economic inequalities, from a human rights perspective in fulfilment of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). (Egypt)**

The United Kingdom **accepts** the recommendation, has implemented it, and will keep the matter under review.

The UK has an established universal system of social security that covers the whole of the resident population. Article 9 ICESCR uses as a benchmark ILO Convention No 102 on Social Security (Minimum Standards). The UK considers itself fully compliant with its commitments and obligations arising under both instruments.

**24. That the example of the United Kingdom in issuing, in principle, a specific law dealing with incitement to racial and religious hatred, be emulated as a good practice in countries which have not done so, in implementation of article 20(2) ICCPR and its stipulated purpose. (Egypt)**

The UK **accepts** this recommendation and is willing to provide further information on its legislation on incitement to racial and religious hatred to those who may wish to use it as an example of good practice.

**25. Withdraw its reservation against the Convention on the Rights of the Child, concerning the provision that detained children be separated from adults while in detention, as well as the withdrawal of their reservation concerning refugee and asylum seeking children. (Indonesia)**

The United Kingdom **does not accept** the recommendation.

The UK Government is currently reviewing the justification for the reservation against Article 22 of the Convention on the Rights of the Child. As part of that review the UK Government is

seeking the most up-to-date legal advice and is consulting with all interested parties and members of the public. This consultation process will be fully completed by the end of May and the outcome of the review will be announced some time after that.

The UK Government is also reviewing whether the UK's reservation against Article 37(c) of the UN Convention on the Rights of the Child should be retained. As there are separate legal systems in England and Wales; Scotland; and Northern Ireland, any decision to depart from the current position would require agreement from all three jurisdictions.

Acceptance of this recommendation would pre-empt the outcome of the ongoing reviews of the reservations.

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