



# International Covenant on Civil and Political Rights

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## Human Rights Committee 140th session

### Summary record of the 4089th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 March 2024, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Eighth periodic report of the United Kingdom (CCPR/C/GBR/8;  
CCPR/C/GBR/QPR/8)*

1. *At the invitation of the Chair, the delegation of the United Kingdom joined the meeting.*
2. **A representative of the United Kingdom** said that his Government fully supported the work of the United Nations human rights treaty bodies and was committed to reporting on all its international human rights obligations. The eighth periodic report (CCPR/C/GBR/8) had been produced following consultations with over 30 civil society organizations and national human rights institutions. Responsibility for the implementation of the Covenant fell under the authority of various administrations, as the United Kingdom was a multinational country in which the governments of Northern Ireland, Scotland and Wales had legislative responsibility for policy areas such as health and education and, in Northern Ireland and Scotland, justice. As the measures taken to implement the Covenant might differ across the four administrations, the delegation included representatives of the administrations in Northern Ireland, Scotland and Wales. The United Kingdom retained responsibility for the Crown dependencies of Jersey, Guernsey and the Isle of Man and for 14 overseas territories, although those territories had their own parliaments, laws and policies. All jurisdictions were unanimous in their commitment to protecting and respecting the rights set forth in the Covenant.
3. During the reporting period, States around the world had faced the unprecedented challenge of the coronavirus disease (COVID-19) pandemic. The response of the United Kingdom to the pandemic had been firmly grounded in human rights principles, and at no point had it derogated from its international obligations. In terms of individual cases brought before the European Court of Human Rights, the United Kingdom had the lowest rate per capita of any State party to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). In 2022 and 2023, the Court had found it to be in violation of its obligations in only three cases.
4. Although the Government had withdrawn the Bill of Rights Bill, it had adopted legislation on various issues related to the Human Rights Act 1998. The Overseas Operations (Service Personnel and Veterans) Act 2021 and the Illegal Migration Act 2023 had been passed, while the Victims and Prisoners Bill had been submitted to Parliament. One of the Government's priorities was to stop illegal immigration, particularly by dangerous routes. As a result of the robust action taken, including in close cooperation with the French authorities, the number of illegal crossings of the English Channel had fallen by 36 per cent the previous year. With respect to legacy investigations in Northern Ireland, in 2023 the Independent Commission for Reconciliation and Information Recovery had been established to provide information to victims and their families in relation to deaths and serious injuries that had occurred during the period of violence known as the "Troubles" and to facilitate wider societal reconciliation. The adoption of the Public Order Act 2023 had strengthened the authority of police in England and Wales to manage legal protests and to take a proactive approach to preventing disruptive gatherings, so that the rights of both protesters and other members of the public could be upheld in a balanced manner.
5. Protection of civil and political rights had continued to be strengthened across the country. Since 2018, the Scottish Human Rights Defender Fellowship had provided international human rights defenders with support and training. The scheme was funded by the Scottish government and was delivered in cooperation with members of civil society and academia. In 2020, responsibility for implementing the Convention on the Rights of the Child and its first two Optional Protocols had been extended to Guernsey and, in December 2023, the Scottish Parliament had passed legislation to incorporate those same instruments into Scottish law, within the limits of devolved competence. In Wales, a working group had been tasked with making recommendations on the incorporation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of

Discrimination against Women into Welsh law. New legislation increasing the minimum age for marriage and civil partnership to 18 years in England and Wales had come into effect in February 2023, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence had come into force across the United Kingdom in November 2022.

6. **Ms. Bassim** said that she would like to know whether the State party was considering acceding to the first Optional Protocol to the Covenant, on an individual communication procedure, or whether it was still of the opinion that the right to petition the United Nations brought no added practical benefit to its citizens. In the light of concerns regarding an overall regression in domestic human rights protections, as well as speculation over a possible withdrawal from the European Convention on Human Rights, the delegation was requested to comment on how the State party planned to fulfil its commitment to ensuring domestic human rights protections and adhering to international human rights obligations. It would be particularly interesting to hear comments on the State party's withdrawal from the Charter of Fundamental Rights of the European Union and on the impact of the loss of funding from the European Union for human rights projects.

7. In view of allegations of torture and ill-treatment committed by official authorities within the State party and abroad, the Committee would welcome updated information on how the definition of terrorism in the Terrorism Act 2000 was applied, particularly with respect to politically motivated actions. She would also appreciate further information on any initiatives to amend the current legislation on terrorism or to broaden the scope of crimes related to acts of terrorism, including the proposal to amend the law on treason. The delegation was also requested to comment on reports suggesting that the Counter-Terrorism and Border Security Act 2019 came close to prohibiting freedom of opinion. In addition, she would welcome information on the average and maximum duration of pre-charge detention in terrorism cases. Lastly, the delegation was asked to offer an assessment of the effectiveness of multi-agency public protection arrangements in managing the risks posed by terrorist offenders.

8. **Mr. Teraya** said that there had been much speculation in recent years about the possible amendment or replacement of the Human Rights Act. The Committee would like to hear more about the nature of any changes currently anticipated and when they were likely to be introduced. Had the Covenant been discussed in relation to the proposed amendments, or did the State party consider that its provisions were adequately safeguarded under the existing legislation? Could the delegation confirm that all changes to the human rights framework would be aligned with the principles of the Covenant?

9. In its report, the State party referred to the risk that domestic courts could be unduly drawn into questions of policy. He invited the delegation to elaborate on the implications of that concern and on whether it was linked in any way to the invocation of the Covenant before domestic courts. In that connection, it would be useful to hear more about the circumstances in which the Covenant had been referred to in court and the implications of such references for the sufficiency of the Human Rights Act. The delegation was also requested to comment on how the Act and the Covenant were mutually complementary. The Committee would welcome further information on any specific challenges or obstacles preventing the relevant parties from reaching a political consensus on the Bill of Rights for Northern Ireland.

10. The State party declared in its report that its responsibility under the Covenant could be engaged outside the territory of the United Kingdom only "in exceptional circumstances". He wondered what circumstances were considered "exceptional" in that regard. In its general comment No. 31 (2004), the Committee stipulated that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State party, even if not situated within its territory. He would be interested to hear the State party's position with respect to that interpretation and whether it considered that any additional element, beyond the exercise of power or effective control, was required in order to engage its international responsibility. He would also like to know what legal frameworks governed the conduct of United Kingdom military forces abroad and what systems were in place to ensure compliance with those frameworks.

11. The Committee strongly encouraged the State party to reconsider and withdraw its reservations to the Covenant, particularly those related to articles 10, 14 and 24. Given the amount of time that had passed since the State party had formulated its reservation to article 10, he wished to know how a supposed lack of suitable prison facilities could still be considered a legitimate reason not to comply with its obligation to separate juveniles from adults in detention. It would be helpful to hear more about the circumstances in which the “mixing of adults and juveniles” was “deemed to be mutually beneficial”, as stated in the reservation, and why the State party had retained its reservation to article 10 (2) (a) in Gibraltar and other areas. He would be interested to know how the State party continued to justify its reservation to article 14 (3) (d) and what measures it had taken to address the shortage of legal practitioners in the British Virgin Islands and other areas and to provide free legal assistance. With respect to the reservation to article 24 (3), he would like to know in what circumstances the State party’s law required it to reserve the acquisition and possession of citizenship to persons having a sufficient connection with the United Kingdom and what criteria were employed in determining such a connection.

12. Lastly, the Committee would be grateful if the delegation could confirm that, notwithstanding those reservations, the rights set forth in the Covenant were fully safeguarded throughout all the territories of the United Kingdom.

13. **Ms. Tigroudja** said that the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 had been criticized for granting immunity to persons who had committed serious human rights violations. The Act also established procedural barriers to criminal investigations, civil actions and other forms of redress. Moreover, the Independent Commission for Reconciliation and Information Recovery established under the Act lacked guarantees of independence and investigative powers. She therefore wished to know whether the Government intended to repeal the Act or, at the very least, bring it into line with the State party’s international obligations under the Covenant, the European Convention on Human Rights and the Windsor Framework.

14. She would welcome detailed and up-to-date information on the results of any investigations carried out by the Historical Investigations Unit and the Legacy Investigation Branch of the Police Service of Northern Ireland. She also wished to know whether any measures had been taken to implement the recommendations of the Truth Recovery Design Panel in relation to historical abuses committed against women and children at mother and baby institutions and Magdalene laundries. Had a public inquiry been set up to examine those acts, and had any compensation been granted to victims or their descendants? The delegation was also invited to comment on the use of closed material procedures in cases relating to historical crimes and terrorism offences.

15. Lastly, she would welcome an explanation of how the Overseas Operations Act, particularly the provisions establishing a presumption against the prosecution of military personnel deployed abroad, was compatible with articles 2, 6, 7 and 14 of the Covenant.

16. **Mr. Yigezu** said that he wished to know what further steps the State party intended to take to address the stark inequalities and multiple forms of discrimination that Gypsy, Roma and Traveller communities faced in access to public services, including the discrimination and bullying suffered by schoolchildren from those communities. It would be useful to know what measures were planned to establish a robust implementation and monitoring framework for the State party’s efforts to address such discriminatory practices.

17. He would like to know what specific measures would be taken to combat and eliminate systemic racism against people of African descent and other ethnic minorities, including those of the so-called Windrush generation. He would also welcome further information on any steps to ensure that all stop and search powers were used in a lawful, non-discriminatory manner, including the provision of training to police officers, and to establish effective monitoring mechanisms and safeguards against profiling and discrimination on the grounds of race, colour or national or ethnic origin. Furthermore, he would be interested to know how the State party would address the climate of institutional racism in the police force, as demonstrated by the disproportionately high level of taser gun use against people of African descent, including children and persons with disabilities.

18. Given the rise in hate crime over the previous decade, he wished to know what measures the State party would take to address the root causes of hate and intolerance and to protect people from all forms of violence and discrimination, including within State institutions; to investigate all reported cases of hate crimes, prosecute perpetrators, punish them with sanctions commensurate with the gravity of the offence and provide effective remedies to victims; and to encourage victims to report hate crime incidents to law enforcement officers. The delegation was also requested to comment on reports that there had been a sharp rise in antisemitic and Islamophobic hate crimes and violence since the outbreak of the armed conflict in Gaza in October 2023. He would welcome disaggregated data in relation to those incidents.

19. It would be helpful to know what steps the State party would take to remove all remaining barriers to the provision of comprehensive abortion services by all health trusts in Northern Ireland and how it would ensure that patients had access to a choice of abortion methods, including telemedicine for early medical abortions. He also wished to know whether the State party planned to fully decriminalize abortion by repealing the Offences against the Person Act 1861.

20. **Ms. Kran** said it was unfortunate that the State party, which had played a central role in the Covenant's development, had repeatedly refused to implement recommendations to repeal the provisions of the Criminal Justice Act 1988 under which persons charged with torture could avail themselves of the defence of "lawful authority, justification or excuse for that conduct". She would like to know what measures were in place to ensure that persons with lawful authority received appropriate guidance, training and supervision to guarantee that acts of torture and ill-treatment were never committed, either purposely or incidentally, within or outside the State party's borders. In view of the Committee's ongoing concerns in that regard, she wished to know whether the State party would consider reviewing its decision to retain the provisions of the Act that were not compatible with article 7 of the Covenant.

21. It would be useful to know what steps the State party was taking to investigate reports that its officials had participated in the rendition of detainees, both before and after the adoption of the principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees, and what plans it had to prosecute and punish anyone complicit in such acts. She wished to know how the State party would ensure that the necessary changes were made to the operating procedures employed by agencies found to have violated those principles; what specific measures had been taken to guarantee the effectiveness, impartiality and independence of the Investigatory Powers Commissioner; and whether the Commissioner had received any reports of non-compliance with the principles and, if so, what violations had been reported and how they had been addressed. In view of the concerns expressed by the Intelligence and Security Committee of Parliament about the reliability of assurances received from other countries that they would not use the State party's territories for rendition without prior permission, she wished to know what proactive measures the State party was taking to ensure that renditions did not take place in its territories and what action it would take if its territory was so used despite such assurances.

22. Given that paragraph 3 of the principles stated only that, in cases involving a real risk of torture, "the presumption would be not to proceed", she would appreciate information on what steps would be taken to amend the language to include an absolute prohibition on torture, unlawful killing and extraordinary rendition and how the State party would ensure collaboration with civil society in that process. In view of the 2021 annual report of the Investigatory Powers Commissioner, she would like to know what specific measures the Secret Intelligence Service was taking to exercise due diligence in conducting risk assessments concerning the treatment of detainees in countries where it was not regularly involved in detention operations. She also wondered how the State party ensured that the human rights risk assessments conducted by the multi-agency assessment team complied with international human rights standards.

*The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.*

23. **A representative of the United Kingdom** said that the Government was committed to preserving the country's tradition of protecting rights and liberties and abiding by the rule

of law both domestically and internationally. With respect to the national human rights framework, the Government had withdrawn the Bill of Rights Bill in 2022 and there had been no proposal to amend the entire Human Rights Act. However, the Government had adopted a number of targeted provisions in recent legislation to ensure that the overall framework was fit for purpose. Although those changes had not affected the status of the United Kingdom as a party to the European Convention on Human Rights, the Prime Minister had stated that laws could be changed and international relationships could be revisited if it appeared that the domestic legal framework or international conventions were frustrating the Government's priorities.

24. The people of the United Kingdom had access to effective and enforceable human rights remedies under domestic law. Since the country was a party to the European Convention on Human Rights, its people also had access to the European Court of Human Rights, which served as an independent international appeal mechanism in cases where all domestic remedies had been exhausted. The Court's judgments were legally binding, unlike the Views of the Human Rights Committee, and their implementation was overseen. The Government therefore maintained that there was no need to ratify the Optional Protocol.

25. The reservations to the Covenant formulated by the United Kingdom all related to its overseas territories, which faced specific challenges owing to their small size, their limited capacities and, in some cases, their geographic isolation. With respect to the reservation to article 10, the overseas territories prohibited, to the extent possible, the detention of children together with adults. In the British Virgin Islands, children were kept separate from adults in cases where doing so was considered to be in their best interests; in Anguilla, the Child Justice Act prohibited the detention of children with adults. In the few overseas territories that had dedicated child detention facilities, segregation was used only in exceptional circumstances and segregation policies were governed by local legislation and prison rules. With respect to the reservation to article 14, government departments were working with overseas territories to support their capacity to provide legal aid. Policy on legal aid was governed by local legislation. For example, in the Falkland Islands, access to legal advice for low-income families had been central to a review that had put the legal aid scheme on a statutory footing.

26. Concerning the reservation to article 24, children born in overseas territories had access to British nationality if they met the eligibility criteria. A child born in an overseas territory on or after 1 January 1983 was a British overseas territories citizen if either parent was a British overseas territories citizen or was legally settled in such a territory. A child born in an overseas territory to a British citizen or settled parent on or after 21 May 2002 was a British citizen by descent. Under the British Nationality Act 1981, children born in an overseas territory could still register as British overseas territories citizens even if they had not acquired that status automatically. Through such measures, the United Kingdom ensured that it fulfilled its obligations under the 1961 Convention on the Reduction of Statelessness.

27. The commitment of the United Kingdom to respecting human rights was protected in the agreements concerning its withdrawal from the European Union. The human rights funding that it had previously received from the European Union had primarily been focused on promoting awareness of the Charter of Fundamental Rights of the European Union. Although the Charter was no longer a part of British law, it was not the source of the rights it set out and its removal from domestic law did not affect the substantive rights of individuals in the United Kingdom. The Government continued to promote human rights through school curricula and the training of public officials. For 2024, it had allocated £68 million to human rights promotion around the world, including through the Magna Carta Fund for Human Rights and Democracy of the Foreign, Commonwealth and Development Office, which supported in-country projects in partnership with local civil society organizations and human rights defenders.

28. **A representative of the United Kingdom** said that, although the Covenant had not been incorporated into domestic law, it was taken into consideration by the courts as relevant international law. Therefore, if a court identified an ambiguity in domestic legislation, it might refer to the Covenant on the presumption that Parliament – unless a clear indication had been given to the contrary – had not intended to place the country in breach of its

international obligations. In that way, the Covenant could contribute to the development of common law in the United Kingdom.

29. The separation of powers was very clear in the British system. The Lord Chancellor, who served as Secretary of State for Justice, took a statutory oath to protect the independence of the judiciary. Judicial officials were also very careful not to cross the line that separated adjudication and application of the law from matters of policy.

30. The position of the Government was that the rights set out in the Covenant were directly protected under domestic law. The European Convention on Human Rights, which had been incorporated into domestic law by the Human Rights Act, had a shared history with the Covenant and contained similar language in various provisions. Furthermore, although the Act was a core part of the domestic human rights framework, it was not the only part. The people of the United Kingdom also enjoyed rights long established in common law, in addition to specific statutory rights.

31. **A representative of the United Kingdom** said that the Government was committed to establishing a Bill of Rights for Northern Ireland. Unfortunately, although the Northern Ireland Human Rights Commission had held consultations and provided advice to the Government in 2008, no consensus had been reached, including between different parties in Northern Ireland, on what such a document should contain. A dedicated committee of the Northern Ireland Assembly had published a report on the issue in February 2022, the same month that the Northern Ireland Executive had collapsed. The Executive and the Assembly had not been restored until February 2024; it was hoped that they would soon take the opportunity to resume discussions on the Bill of Rights.

32. Since the signing of the Belfast Agreement in 1998, a number of attempts had been made to tackle the complex issue of addressing historical human rights violations in Northern Ireland. The Government believed that the establishment of the Independent Commission for Reconciliation and Information Recovery was the best way to help families find information and to create the conditions for reconciliation. The Government of the United Kingdom, while welcoming the recent judgment of the High Court of Northern Ireland that the Commission was independent and capable of carrying out investigations that were compliant with the European Convention on Human Rights, had appealed against the judgment because of its finding that the provisions of the Northern Ireland Troubles (Legacy and Reconciliation) Act that established conditional immunity from prosecution were in breach of the Convention. The Government remained committed both to implementing the Act and to enabling the Commission to fulfil its mandate. In many respects, the Commission was continuing and building on the work carried out by the Historical Investigations Unit established under the Stormont House Agreement. That Unit had been dissolved, while the Legacy Investigation Branch of the Northern Ireland police was in the process of concluding its outstanding investigations. As from 1 May 2024, the Commission would take forward the necessary investigations into unresolved deaths and serious injuries that had occurred during the Troubles.

33. A non-statutory independent panel had been appointed in April 2023 to examine allegations of abuse committed against women and children in mother and baby institutions and Magdalene laundries. The panel would give victims and survivors the opportunity to provide testimony in a non-adversarial setting. Concerning abortion services, the Department of Health of Northern Ireland had made significant progress since the summer of 2023 in ensuring that such services were available throughout the country. Surgical services had started in December 2023, although the number of qualified consultants remained low. Plans had therefore been made to train more consultants in the following months. As abortion services for rare, complex and late-term cases were still difficult to find, the Government was working with the Department of Health of Northern Ireland to ensure that the relevant procedures were made available as soon as possible.

34. **A representative of the United Kingdom** said that the Northern Ireland authorities had taken various steps to remove barriers to abortion; for example, they had updated public information sources such as the official NI Direct website to incorporate details of how to access services. A social media awareness-raising campaign was planned and safe access zones had been established at all health facilities in Northern Ireland that provided abortion

services. The Department of Health was aiming to provide a fully resourced telemedicine service providing access to abortion; the current service would be monitored until 2025, at which point an external review would be conducted and any changes proposed would be referred for public consultation. The Department was under a statutory obligation to allocate the financial resources necessary to implement the relevant recommendations of the Committee on the Elimination of Discrimination against Women. Accordingly, recurrent funding of £4.3 million had been allocated.

35. **A representative of the United Kingdom** said that the definition of terrorism set forth in section 1 of the Terrorism Act 2000 was reviewed regularly to ensure that it remained fit for purpose. Section 41 of the Act empowered police officers to arrest and detain suspected terrorists without charge for a maximum of 14 days, subject to significant court oversight. There were no current plans to amend laws relating to treason; changes had been considered for inclusion in the National Security Act 2023 but had been ruled out on the grounds that further consultation was required. The Counter-Terrorism and Border Security Act, enacted in the wake of five terrorist attacks between March and September 2017, had introduced proportionate measures for responding effectively to the constantly evolving terrorist threat without affecting freedom of opinion.

36. To enhance public protection arrangements, the Police, Crime, Sentencing and Courts Act 2022 had introduced a specific multi-agency public protection category for the management of terrorist offenders, providing that they must be assigned to the specialist National Security Division of the National Probation Service and police counter-terrorism specialists. The effectiveness of those arrangements was regularly reviewed and annual reports were published, the most recent of which had been issued in October 2023.

37. **A representative of the United Kingdom** said that the police force used stop and search powers fairly and lawfully to tackle knife crime and illegal drug use and to protect communities. Stops and searches motivated by race were prohibited and extensive safeguards were in place, including the use of body-worn video cameras and community scrutiny. Following efforts to reduce disparities in the use of stop and search powers, in 2023 black persons were 4.1 times more likely to be searched than white persons, down from 9.7 times more likely in 2019. Strip search powers, which, though intrusive, were vital to prevent harm and effectively investigate crimes, were used only when necessary and proportionate, in a fair and respectful manner and subject to the same safeguards as stop and search powers. Complaints related to the use of search powers were handled by the Independent Office for Police Conduct. Individual police interactions with the public could also be reviewed by community scrutiny panels, through which members of the community could provide feedback to help police officers learn lessons, improve services and ensure greater accountability.

38. Taser guns, like other means of use of force, were used only when reasonable, proportionate and necessary and never on grounds of race or ethnicity. Officers were trained to de-escalate situations with potential for violence or harm and to use force only when de-escalation proved impossible. In the United Kingdom, the police were operationally independent of the Government and training standards were the responsibility of the College of Policing, which, in 2024, had issued a new code of ethics and a supporting code of practice to help officers to make ethical decisions, ensure respect for human dignity and uphold human rights. Pursuant to the code, all chief constables were required to foster an ethical and professional culture within their forces.

39. A robust legal framework for addressing all forms of hate crime was in place in England and Wales. The Government condemned the recent spike in expressions of antisemitic and anti-Muslim sentiment and was working with police and community partners to ensure the safety of Jewish and Muslim communities. An annual funding allocation of £29.4 million had been established for such protection schemes. To encourage the reporting of hate crime, the Government had launched the online reporting portal True Vision, through which victims could report offences without having to visit a police station. The Government also continued to fund the national online hate crime hub, which enabled local police forces dealing with hate crime to obtain support. Hate crime had been designated a priority offence in the Online Safety Act, under which technology companies were accountable to an



independent regulator for the safety of users and had new legal duties of care to prevent, identify and remove illegal content and activity online, including content that incited hatred.

40. **A representative of the United Kingdom** said that a code of practice for the use of stop and search powers had been introduced in Scotland in 2017 and data on the use of those powers had been published on the Scottish police force's website since 2015. Searches were subject to review to confirm that they were lawful, necessary, proportionate and compliant with the code of practice. A plan to improve outcomes for the Gypsy and Traveller community in Scotland had recently come to an end. The plan had been developed with input from the communities concerned and had included 33 lines of action. A report on the plan's outcomes would be published in summer 2024; initial findings showed that progress had been made in most areas. A hate crime strategy and related delivery plan had been adopted in 2023, setting forth the action to be taken in the coming two years to tackle hate crime and build resilient, empowered, inclusive and safe communities.

41. **A representative of the United Kingdom** said that the Anti-racist Wales Action Plan launched by the Welsh government in June 2022 contained specific commitments in respect of minorities, including Gypsies and Travellers. For example, it asked local authorities to conduct Gypsy, Roma and Traveller accommodation needs assessments every five years. A review of Public Health Wales policy and guidance for assisting Gypsies, Roma and Travellers was planned, and guidance for supporting Gypsy, Roma and Traveller pupils in schools, where they faced barriers such as bullying, discrimination and racism, as well as a lack of awareness and understanding of their culture, had been published in December 2023. Free and confidential support for victims of hate crime was provided at the government-funded Wales Hate Support Centre, and the "Hate Hurts Wales" campaign was raising awareness of the negative impact of hate crime on victims and perpetrators and the importance of speaking up.

42. **A representative of the United Kingdom** said that the Race Disparity Audit conducted in 2017 had improved the quality and depth of data on ethnicity and allowed the Government to ascertain where the disparities were greatest. In response, the authorities had drawn up the Inclusive Britain Action Plan, published in 2022, which set out 74 lines of action encompassing employment, health, education, criminal justice and other areas. Examples included strengthening enforcement action in relation to race discrimination; issuing guidance on ethnicity pay reporting to highlight ethnicity-based pay disparities; and addressing the much higher rate of maternal mortality among mothers from ethnic minority backgrounds. A report on progress under the Action Plan had been published in 2023, and a further update would be published in 2024. In England, to address the particularly adverse outcomes that Gypsy, Roma and Traveller communities experienced, additional capital investments had been made in Traveller sites and investments had been made in education for Gypsy, Roma and Traveller children in areas where there was a particular need.

43. **A representative of the United Kingdom** said that access to safe and lawful abortion was guaranteed in England and Wales under the Abortion Act 1967, which allowed for termination of pregnancy in the first 24 weeks in cases where two doctors were of the opinion that one or more of four specified grounds had been met. Given the subject's sensitivity, the provisions were discussed periodically in Parliament, which, to date, had always concluded that the framework remained effective and reflected the social consensus on the matter. Abortion-related criminal proceedings were extremely rare and were initiated only when an abortion was sought outside the legally specified exemptions. In the past five years, there had been only two abortion-related convictions.

44. On the question of the exceptional circumstances in which the Government considered the Covenant to be applicable extraterritorially, he noted that such specific circumstances were not easy to foresee or, consequently, to describe. However, the Government accepted that, in principle, its obligations under the Covenant might apply to persons taken into the custody of British forces or held in British-run military detention facilities outside the United Kingdom.

45. The closed material procedure was used only when necessary, in civil cases involving sensitive material whose disclosure could damage national security. It was used with due regard for the principles of fair and open justice and the right to a fair trial. The recent increase

in its use in Northern Ireland was largely coincidental, reflecting a backlog of legacy claims from the time of the Troubles that had reached the closed material stage concurrently. A former High Court judge had undertaken a review of the procedure's operation and had issued a number of recommendations, which the Government was currently considering.

46. The lawful authority, justification or excuse defence provided for in section 134 (4) and (5) of the Criminal Justice Act 1988 reflected the breadth of the definition of torture established in section 134 (1), which was broader than the wording of the Covenant and went beyond torture to include "severe pain or suffering". Without that defence, police officers could be held criminally liable for the mental anguish caused by imprisonment or for injury inflicted when acting to prevent a crime even if the offender was injuring the officer or another person. In practice, like all national legislation, those provisions should be read in the light of section 3 of the Human Rights Act, requiring laws to be applied in a manner compatible with the rights enshrined in the European Convention on Human Rights, including the absolute prohibition of torture in article 3 thereof, the wording of which was similar to that of article 7 of the Covenant. The compatibility of such a defence with the prohibition of torture must be reviewed by the court in the light of article 3 of the European Convention. Thus, though conscious that its view was at odds with that of the Committee, the Government saw no reason to amend those provisions. The code of ethics and the training provided by the College of Policing were designed to ensure that human rights were not breached either purposely or incidentally.

47. The Intelligence and Security Committee of Parliament had concluded, in a 2018 report, that British officers handling detainees overseas had made verbal threats in nine cases and had been party to mistreatment administered by others in two cases. It had found no evidence that the intelligence and security agencies had deliberately overlooked reports of mistreatment and rendition. In a second report, the Committee had recommended a review of policy and guidance to prevent any involvement in the use of torture or the mistreatment of detainees overseas. The Investigatory Powers Commissioner had subsequently been asked to make proposals to improve the guidance. Thus, since January 2020, British intelligence and security personnel had been operating in accordance with the principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees, which were designed to ensure that all activity was consistent with national and international law. Any allegations against British personnel were investigated fully and complaints were brought to the attention of detaining authorities in other countries where appropriate. A bill to amend the Investigatory Powers Act 2016 to expand the oversight regime and ensure transparency was currently before Parliament and a review of the principles would be carried out within the next year.

48. **A representative of the United Kingdom** said that allegations about the conduct of British forces in Iraq had been the subject of extensive and independent investigations. However, owing to the time elapsed and the location, among other factors, the investigations had failed to produce sufficient evidence to justify prosecutions. Military personnel were held to the highest standards, and the recent creation of the Defence Serious Crimes Unit attested to the Government's determination to continue to enforce those standards. None of the provisions set forth in the Overseas Operations Act would erode the rule of law or prevent victims of alleged offences by military personnel from filing complaints. Military personnel could still be held to account for wrongdoing. Accordingly, the Government was confident that the Act was compatible with the European Convention on Human Rights and, therefore, with the Covenant.

49. **Ms. Bassim** said that, in the light of the delegation's statement that the police were independent of the Government, she would like to know what criteria were used to determine whether certain police practices were excessive, harmful or highly painful, what authority held police officers to account and how many cases of police brutality had been recorded since the submission of the report. She invited the delegation to comment on reports that suspects in counter-terrorism cases were held in pretrial detention for far longer than the 14 days established by law, some for as long as a year.

50. **Mr. Yigezu** said that he would appreciate clarifications on the sufficiency of the funding for abortion services in Northern Ireland and on the creation of safe access zones around abortion clinics. He would also appreciate information on the measures taken to

combat hate crimes against lesbian, gay, bisexual, transgender and intersex persons and on any plans to amend the Gender Recognition Act 2004. The State party was invited to comment on the perception of institutional racism and on the fact that the report of the Commission on Race and Ethnic Disparities appeared to deny the existence of institutional racism.

51. **Ms. Tigroudja** said that, while she agreed with the delegation that there was more than one model of transitional justice, she wondered why the previous model, known as the package of measures, had been abandoned despite its apparent effectiveness and its having been commended by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. In the same vein, what steps were taken to ensure that the transitional justice model was designed to protect the rights of victims, not just to benefit alleged perpetrators of serious human rights violations?

52. Recalling her question about the presumption against prosecution in the Overseas Operations Act, she said that the international community was concerned about the extremely short statute of limitations for the prosecution of violations committed outside the State party's territory, which, in combination with the presumption against prosecution, severely restricted the possibility of criminal action, in contravention of article 6 of the European Convention on Human Rights and article 14 of the Covenant.

53. She invited the delegation to comment on recent reports that the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) was initiating a special review of the Equality and Human Rights Commission on account of its alleged position on lesbian, gay, bisexual and transgender rights. She would also welcome comments on reports that conversion therapy, especially in Northern Ireland, was not only permitted but was actually protected under provisions on the right to freedom of religion.

54. **Mr. Teraya** said that he wished to know what the State party meant by "capacity" in its explanation of why it was maintaining its reservation to article 14 (3) (d) of the Covenant. He also wondered why there was controversy surrounding the Northern Ireland Bill of Rights. While he commended the United Kingdom for having been among the earliest contributors to the protection and promotion of human rights, the State party was nonetheless urged to conduct a systematic review of its laws in relation to its international obligations, including under the Covenant. It should be borne in mind that the Covenant was a living instrument on which a great deal of jurisprudence had been accumulated and on which the Committee had elaborated in its 37 general comments.

55. He would welcome further clarification of the circumstances in which the domestic courts referred to the Covenant. His question about the extraterritorial application of the Covenant concerned specifically why the State party took the view, referred to in paragraph 25 of the eighth periodic report, that the Covenant could have effect outside its territory only in "exceptional circumstances", since States' Covenant obligations were in no way reduced in extraterritorial contexts. Furthermore, the same paragraph stated that the European Court of Human Rights had expressed a similar view; in what judgment had that view been set forth?

56. **Ms. Kran** said that she had yet to receive a reply regarding the ambiguity of paragraph 3, on the presumption not to proceed, of the principles relating to the detention and interviewing of detainees overseas. She was interested to hear about how the State party managed the issue of subjectivity in ministerial decisions authorizing operational plans, particularly where the decisions concerned the risk of torture and ill-treatment of detainees, and about its intention to consult with civil society on the review of the principles.

57. **A representative of the United Kingdom** said that the domestic courts were required by law to refer to the rights under the European Convention because those rights were enshrined in domestic law. However, the courts were under no such obligation with regard to non-incorporated treaties, in which most of the country's international obligations were set forth. Generally, the courts might refer to those treaties when interpreting an ambiguous law or when developing the common law. Concerning extraterritorial application, the adjective "exceptional" was understood to denote the rarity of such cases, not the limitation of obligations. In interpreting rights under the European Convention, the domestic courts were invited to have regard to the entire jurisprudence of the European Court of Human

Rights, not only the cases involving the United Kingdom. The most recent case in which the Court had referred to extraterritorial application of the Convention was the *Georgia v. Russia (II)* judgment. Another relevant case was *Ukraine v. Russia (X)*, in which the Court was tackling some difficult questions around the application of the European Convention to situations of live conflict in the territory of a State party. The hope was that the case would draw together some of the slightly inconsistent threads of the Court's jurisprudence in that domain.

58. **A representative of the United Kingdom** said that the Terrorism Act clearly set the maximum duration of pre-charge detention at 14 days, reduced from 28 days in 2011. The Home Office published quarterly data on the average and maximum duration of pre-charge detention following arrest under section 41 of the Act. Of the 23 individuals placed in detention under section 41 in the year ending in September 2023, 4 had been detained for less than one day, 7 for one to seven days, 2 for seven to 14 days and 10 for six to seven days. Pre-charge detention could exceed 14 days only when emergency legislation was in force, which was not currently the case.

59. **A representative of the United Kingdom** said that the United Kingdom was proud to have a civilian police force, which meant that officers were subject to criminal law in the same way as private citizens. Officers were not permitted to use force or cause harm unless necessary and proportionate to prevent specific types of harm. There was no place for hate in British society, and a robust legislative framework was in place in England and Wales to respond to hate crimes based on race, religion, sexual orientation, disability or transgender identity. The police were expected to fully investigate such offences and to work with the independent criminal prosecution service to ensure that perpetrators were brought to justice.

60. **A representative of the United Kingdom** said that the Northern Ireland Department of Health was under a statutory obligation to allocate the financial resources necessary to ensure the provision of abortion services; therefore, budget cuts would not impact service delivery. The annual cost of £4.3 million had been calculated on the basis of a business case developed by the Department and the health trusts that delivered such services. There was also a statutory requirement to ensure safe access zones around facilities where abortion services were provided. The zones were designed to protect both users and staff of the facilities. The Department of Health would issue annual reports on the effectiveness of the zones.

61. **A representative of the United Kingdom** said that the Scottish parliament was considering a bill on safe access zones, which took into account a range of views. The aim of the bill was to strike a balance between the protection of patients and staff and the rights of those who engaged in anti-abortion activity.

62. **A representative of the United Kingdom**, stressing that the report by the Commission on Race and Ethnic Disparities was not a government report, said that the Commission members' view was that they had not claimed that there was no institutional racism in the country, only that no evidence to that effect had been submitted to the Commission. The Government believed that the independence of the Equality and Human Rights Commission would be borne out in the process currently under way before GANHRI. Legislation banning conversion therapy in England and Wales would be introduced shortly; however, there were no plans to amend the Gender Recognition Act.

63. **A representative of the United Kingdom** said that the new package of measures to address the legacy of the Troubles in Northern Ireland retained many of the measures previously established under the Stormont House Agreement, which, by 2020, had no longer been supported by the broad political consensus it had enjoyed at the time of its adoption in 2014. The Independent Commission for Reconciliation and Information Recovery was very much victim-focused. It had the power to require State agencies to disclose information, as well as the power to investigate cases. It could also grant conditional immunity to individuals in return for information about the events in specific cases. Where conditional immunity was not granted, either because the person refused to cooperate or because the Commission doubted the veracity of the information provided, the individual could be prosecuted. Overall, experience in Northern Ireland had shown that information recovery yielded better outcomes for victims than prosecution. As the Northern Ireland Executive and Assembly had recently

resumed their work, it was hoped that discussions on the Bill of Rights would be taken forward.

*The meeting rose at 6 p.m.*