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Summary record of the 4090th meeting

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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10 a.m.

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

Eighth periodic report of the United Kingdom (continued) (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. **The Chair** invited the delegation to resume replying to the questions raised by Committee members at the previous meeting.
3. **A representative of the United Kingdom** said that the reservation of the United Kingdom to article 14 (3) (d) of the Covenant on legal assistance related only to the 14 overseas territories, not to the rest of the United Kingdom. The question did not concern financial capacity, but rather the shortage of legal practitioners in the overseas territories, many of which had populations of only a few thousand people or less; Tristan da Cunha, for example, had only 246 inhabitants. There were therefore only a handful of legal practitioners in the overseas territories. The Government was working with the territories to bolster capacity where that was possible. For example, the Government Legal Department had offered to second lawyers to the overseas territories, and a pilot programme was under way in Saint Helena.
4. **A representative of the United Kingdom** said that the presumption against prosecution in the Overseas Operations (Service Personnel and Veterans) Act 2021 was not an amnesty or a statute of limitations. Military personnel who broke the law could still be held to account. The provision in question stated that, after five years had elapsed from the date of the alleged commission of an offence during an overseas operation, it was to be exceptional for a prosecutor to determine that proceedings should be brought against the service person or veteran involved. That presumption against prosecution was not a bar to investigations or prosecutions and allowed prosecutors to take account of circumstances that might have caused the victim to delay the reporting of an offence. The possibility of prosecution was left open in all cases, subject to the prosecutor's discretion. Allegations of serious offences, including grave breaches of the Geneva Conventions of 12 August 1949, must and would continue to be investigated and, where appropriate, those found responsible would be prosecuted.
5. **A representative of the United Kingdom** said that, regarding safe zones around abortion facilities in England and Wales, the Government had recently run a public consultation on non-statutory guidance to support the introduction of the offence defined in section 9, "Offence of interference with access to or provision of abortion services", of the Public Order Act 2023. That consultation had closed on 22 January 2024 and the application of section 9 would commence in the following months.
6. The Government did not recognize any ambiguity in paragraph 3 of the principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees. Paragraphs 1 to 4, when read as a whole, set out the clear and principled position that the Government did not participate in, solicit, encourage or condone unlawful killing, the use of torture or cruel, inhuman or degrading treatment or extraordinary rendition. The necessary guidance for operational officials was set out in section B of the principles, which outlined the steps to be taken where there was a real risk of unlawful killing, the use of torture or cruel, inhuman or degrading treatment, extraordinary rendition or rendition or unacceptable standards of arrest and detention. That guidance specified that where a real risk existed, personnel should not proceed unless a range of steps had been taken to mitigate the risk to below the threshold of real risk through reliable caveats or assurances that had been reviewed and approved by senior personnel. Where such steps were not possible, ministers would be consulted and would consider whether it was possible to mitigate the risk of the relevant conduct through requesting and evaluating assurances on the detainee's treatment, as set out in paragraphs 15 and 16 of the principles. The risk of subjectivity in the context of ministerial decision-making had been fairly identified by the Intelligence and Security Committee in 2018, given ambiguities in the language of the former

consolidated guidance. The new framework of the principles, however, was more comprehensive and had been developed with input from the Intelligence and Security Committee and civil society, and therefore now addressed that issue.

7. On the question of whether the Government would consult with civil society during the review of the principles, he could not appropriately comment on the specifics of the new review at the current stage, given that no ministerial announcements had yet been made as to the review's scope and timeline and the planned engagement. He could only confirm that the Government was committed to conducting the review of the principles by January 2025 and that ministers would set out further details in due course.

8. **Mr. Yigezu** said that, in the light of reports that the number of suicides and incidents of self-harm in prisons was on the rise in England, Scotland and Wales despite the Government's efforts to reverse that trend, he wished to know what measures had been or would be taken to ensure that all instances of self-harm and deaths in custody were promptly and impartially investigated by an independent entity in line with the Covenant and international human rights standards and that the persons in whose care the victims had been at the time of the incident were held to account; to put in place a national oversight mechanism that would undertake a review of data and make public recommendations on best practices for preventing deaths in custody; and to provide more effective training and support for prison staff to reduce the rate of suicide and self-harm among persons in custody.

9. The Committee had been made aware of possible violations of human rights, including the right to life, in relation to the Government's handling of the Grenfell Tower disaster, in which 72 persons had lost their lives when a fire had broken out in the Grenfell residential tower in West London on 14 June 2017. Bearing in mind allegations that the State party had been aware of the real and immediate risk to life posed by the flammable exterior cladding on the building but had failed to take action, he would welcome information on how the State party would ensure that possible violations of the right to life and human dignity of the disaster victims were investigated and, if violations were found, that legal remedies were available to those affected, including, where appropriate, compensation and rehabilitation.

10. While he recognized the Government's efforts to remove the flammable exterior cladding from all publicly owned buildings above 18 metres high, he would be grateful for information on when the work to remove the cladding from buildings between 11 and 18 metres high would begin, in order to prevent similar incidents from occurring in the future and to provide additional safeguards to meet the needs of people in the most vulnerable situations, in particular with regard to evacuation policies and housing allocation. He would also like to know when the final report of the inquiry into the Grenfell Tower disaster would be published and what steps would be taken to ensure justice for the victims and their families and to hold those responsible to account.

11. **Ms. Tigroudja** said that the Committee was deeply concerned about recent legislative changes in the United Kingdom that hindered the identification of trafficking victims by requiring the National Referral Mechanism to apply a standard of proof that hampered their recognition as such and their access to justice, and about the climate of hostility towards migrants encouraged by high-ranking officials. She wished to know whether the State party would review the applicable legislative framework to ensure that all victims of trafficking had access to the protection due to them under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and article 8 of the Covenant. She also wondered whether the Government planned to take steps to reverse the erosion of protections and the worsening of conditions for migrant workers since the State party's exit from the European Union and the establishment of new visa categories for overseas domestic workers, seasonal workers and health and care workers, by developing a visa policy that was fully in line with its international obligations.

12. The Committee was also deeply concerned about the Illegal Migration Act 2023, which was contrary to the spirit of the Windsor Framework, provided for the detention of pregnant women and child migrants, removed legal protections from all migrants and, according to the Office of the United Nations High Commissioner for Refugees, violated the 1951 Convention relating to the Status of Refugees by preventing persons who arrived illegally in the United Kingdom from applying for refugee status. In view of the international

and national condemnation of the Illegal Migration Act; the negative human rights impact of the memorandum of understanding between the United Kingdom and Rwanda, which had been declared contrary to article 3 of the European Convention on Human Rights by the Supreme Court of the United Kingdom in November 2023; and the State party's reservation to article 59 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was the article requiring parties to grant autonomous residence permits to migrants who were victims of such violence, she wished to know whether the State party planned to repeal the Act; ensure that all persons who arrived in the United Kingdom, even illegally, and claimed to be victims of trafficking received the support and protection due to them as such; withdraw its reservation to article 59 of the Istanbul Convention to prevent the revictimization of women migrants; and ensure that the application of the Public Order Act 2023 did not excessively restrict access to civic space for migrant rights defenders.

13. Lastly, regarding the restriction of prisoners' right to vote, she wished to recall that the European Court of Human Rights had found, in its judgment in the case of *Hirst v. the United Kingdom (No. 2)*, that a general, automatic and indiscriminate restriction on the right to vote, which was protected under the European Convention on Human Rights, was incompatible with article 3 of Protocol No. 1 to the Convention. Since the action taken by the Government of the United Kingdom in response to the judgment did not address the root cause of that finding, she wished to know whether the State party planned to take measures to ensure that the legal framework governing the electoral rights of prisoners was compliant with article 24 of the Covenant.

14. **Mr. Teraya** said that he would appreciate clarification regarding the resources allocated to the Statelessness Determination Team, the Team's current caseload and the average processing time for statelessness applications. In the light of reports that detained persons claiming stateless status were ineligible for free legal assistance, he would be grateful if the delegation could explain whether applicants were adequately informed about their rights in the context of the statelessness application procedure and whether the legal aid available to such applicants was adequate. He also wondered whether the standard of proof applicable to persons claiming stateless status was appropriate, given the unique challenges such persons faced in documenting their status, and whether there was a review mechanism in place to assess and address potential flaws in the statelessness determination procedure, especially in cases where negative credibility assessments might have been made during the initial proceedings. It would also be useful to know how many stateless persons were currently being held in detention and for how long they had been detained. On a related note, he would appreciate an update on the measures taken by the Government in response to the scandal involving the wrongful removal or detention of members of the so-called Windrush generation, on the minimum compensation provided to those affected and on any measures taken to prevent the recurrence of similar situations in the future.

15. While paragraph 174 of the State party's eighth periodic report ([CCPR/C/GBR/8](#)) indicated that a person could be deprived of British citizenship only if he or she would not be left stateless, there were instances, such as the case of Shamima Begum, in which the other country of nationality claimed by the United Kingdom, in that case Bangladesh, did not recognize the person's citizenship. He would therefore welcome information on the mechanisms and laws in place to prevent statelessness through deprivation of citizenship and on the procedure followed when a decision to deprive someone of citizenship was determined to have been incorrect, especially since the 2004 amendment to the British Nationality Act 1981 had removed the safeguard preventing deprivation orders from being executed until all rights to appeal had been exercised. He would also welcome an update on measures taken to address the alleged trafficking of British citizens by Da'esh in the north-east of the Syrian Arab Republic, including the number of individuals assisted by the State party in that context.

16. **Ms. Bassim** said that she would appreciate clarification of what was considered to be a "reasonably necessary" period for arrangements to be made for the release of detained migrants under the Illegal Migration Act and of the maximum time limit on immigration detention. It would also be useful to receive information on the average length of detention of migrants, the procedure for challenging immigration detention and cases in which migrants had challenged their detention, with an indication of the number of successful challenges.

The delegation was requested to comment on reports that the Home Office had frequently been found to have detained migrants unlawfully and had been made to pay compensation to the victims, as well as on allegations that the authorities often placed parents of young children in immigration detention without making arrangements for the care of their children. She would also welcome further information on the Adults at Risk in Immigration Detention Policy, which had reportedly weakened safeguards, and the use of non-custodial measures, such as electronic monitoring, in respect of migrants at risk.

17. With regard to the rights of the child, she was interested to learn whether the State party planned to abolish the common law defence of “reasonable chastisement” of a child and to devise and implement a strategy to promote positive and non-violent forms of discipline. It would also be interesting to learn whether the State party had conducted awareness-raising campaigns and training programmes for parents, teachers and child carers to address public resistance to the prohibition of corporal punishment. In the light of evidence that the recruitment of 16- and 17-year-olds into the armed forces had a negative impact on their physical and mental health, she wondered whether the Government planned to raise the minimum age of recruitment to 18 years or, at the very least, prohibit all forms of armed forces recruitment advertising aimed at adolescents.

18. The age of criminal responsibility was 12 in some parts of the United Kingdom and 10 in others. Both the Human Rights Committee and the Committee on the Rights of the Child had recommended raising it to 14, which was the generally accepted age of criminal responsibility in Europe. She would like to know whether the Government intended to harmonize the practice throughout the United Kingdom and the Crown dependencies and raise the age accordingly.

19. **Ms. Kran** said that the legal aid sector was significantly depleted owing to low remuneration, particularly for lawyers working on trafficking and modern slavery cases. The Committee would like to hear what measures the Government was taking to guarantee a sustained pool of legal aid lawyers, to improve remuneration in general and to ensure that affordable legal services were accessible to victims of trafficking and of modern slavery. Noting that the Legal Aid, Sentencing and Punishment of Offenders Act 2012 limited access to legal aid in England and Wales for essential services related to child custody, immigration, housing, welfare and compensation for criminal injuries, she said that she would appreciate an indication of the steps taken to address the limitation of legal aid access in those and other cases where the best interests of the child were at stake.

20. The House of Lords was reportedly considering a bill that would broaden the parameters for bulk information collection by implementing various categories of bulk personal data sets. That raised concerns about the right to privacy, as the adoption of such legislation could lead to the overly broad collection of personal data. The delegation was requested to describe the measures taken to ensure that such categories would be premised on concrete assessments of individuals’ reasonable expectation of privacy rather than on arbitrary assumptions. How did the Government plan to remedy situations where its intelligence services had retained bulk personal data sets in error and without a warrant?

21. The delegation was requested to comment on concerns raised by reports that the Online Safety Act undermined the right to freedom of expression by giving unchecked censorship powers to government ministers and that the Government had proposed criminalizing end-to-end encrypted messaging with a view to monitoring online communications.

22. The Court of Appeal had ruled that the use of facial recognition technology by police breached the right to privacy and violated data protection laws. That notwithstanding, the use of facial recognition technology searches had reportedly grown fourfold between 2021 and 2022, including for the monitoring of peaceful gatherings. The Committee would like to know about any plans to introduce a legal and regulatory framework for the use of such technologies and how the Government would ensure that independent privacy impact assessments would be conducted when new technologies were adopted.

23. The United Nations Special Rapporteur on the right to privacy had expressed concern about international intelligence-sharing agreements that allowed intelligence agencies in the United Kingdom to grant foreign authorities access to their data. What measures would be

taken to ensure that such agreements were open to public scrutiny, and how did the Government ensure that its international partners upheld the right to privacy in handling the data that it sent to them?

The meeting was suspended at 10.50 a.m. and resumed at 11.05 a.m.

24. **A representative of the United Kingdom** said that during the public inquiry into the Grenfell Tower fire, the relevant government departments had presented their apologies for failings that had allowed the tragedy to occur and their condolences to everyone affected by it. The apology served as an acknowledgement by the Government that its failings had played a role in the disaster and that more could have been done to prevent it through regulation. The public inquiry had not yet concluded, but the Government had already taken action to prevent the recurrence of such tragedies. It had adopted the Building Safety Act 2022, which banned combustible materials in residential buildings, hotels, hospitals and student accommodation above 18 metres; included additional guidance for structures between 11 and 18 metres; lowered the threshold for the provision of sprinklers; required firefighter wayfinding signs in residential buildings above 11 metres; and required an evacuation alert system for residential buildings over 18 metres. All residential buildings over 11 metres had been given a pathway to fix unsafe cladding through schemes financed by either government or developer funding. Leaseholders living in their own homes would thus not have to pay for such remediation. The Government planned to introduce a building safety levy and hoped to thus raise some £3 billion from developers of new residential construction. While different requirements had previously applied to buildings over 11 metres and those over 18 metres, measures had been taken to fill the gap and to ensure that all buildings over 11 metres in height were covered by measures for the remediation or mitigation of life safety hazards resulting from unsafe cladding. The final report of the inquiry into the Grenfell Tower tragedy was expected to be sent to the Prime Minister by June 2024.

25. With regard to the voting rights of prisoners, the Government's long-standing position was that citizens who committed crimes of sufficient gravity to warrant a prison sentence had broken their contract with society and should not have the right to vote until they were reintegrated in the community. The European Court of Human Rights judgment in the case of *Hirst v. the United Kingdom (No. 2)* had specifically found that a blanket ban on voting by prisoners was incompatible with article 3 of Protocol No. 1 to the European Convention on Human Rights. Since then, as the Government had extended the right to vote to prisoners released back into the community on temporary licence, there was no longer any blanket ban and the Committee of Ministers of the Council of Europe had found the Government's action to be consistent with the Court's judgment. The *Hirst* judgment did not require all prisoners to be accorded the right to vote.

26. In England and Wales, the Government's annual legal aid spending amounted to £950 million for civil cases and £900 million for criminal cases, which was expected to rise to some £1.2 billion. In 2023, the means test for legal aid had been adapted to increase the number of people eligible for civil legal aid by 2.5 million and for criminal legal aid at magistrates' courts by 3.5 million, and an additional £23 million had been earmarked to support people requiring legal aid in housing and family matters. The Government's intention was to ensure that anyone accused of a crime in a Crown Court, where more serious cases were heard, could have access to assistance regardless of his or her means. Persons with sufficient means would be required to pay monthly contributions, which would be refunded to them with interest if they were acquitted.

27. For civil cases, there was a scheme known as exceptional case funding, which was run by a legal aid agency independent of the Government and was intended to provide support in cases where there was a risk that a lack of legal aid could result in human rights violations. Decisions to grant such aid were taken on an individual basis by the independent agency, without government interference. In 2022 and 2023, 73 per cent of applications for such aid had been granted. Remuneration for professionals providing legal aid had recently been increased by around 15 per cent.

28. In respect of corporal punishment of children in England, the Government did not condone any violence against children and had clear laws to deal with it. Parents were responsible for disciplining their children and must do so within the boundaries of the law.

There was no intention to repeal the defence of reasonable chastisement, which was applicable only in the parental context; corporal punishment had long been prohibited in educational settings. Even with the existence of the defence of reasonable chastisement, child protection agencies and the police treated allegations of abuse very seriously and appropriate action was taken, including prosecution, when there was sufficient evidence of an offence. The Government encouraged the use of evidence-based programmes on non-violent parenting.

29. In England, Wales and the Isle of Man, the establishment of the age of criminal responsibility at 10 years was based on the idea that children at that age could differentiate between bad behaviour and serious wrongdoing and should be held accountable for their actions. Setting the age at 10 years provided flexibility in dealing with children and allowed for early intervention in a child's life to prevent reoffending. Interventions such as diversion from the criminal justice system were available when they represented a more proportionate response. As different countries had differing youth justice and social support systems, simple comparisons could be misleading.

30. Regarding self-harm and suicide among prisoners, the Government considered that every death in custody was a tragedy. It had expanded the prison workforce by nearly 8 per cent to allow prisoners more opportunities to engage in structured and purposeful activity outside their cells and to have appropriate support. Prison staff were trained to identify vulnerable prisoners and individual risk factors, and measures had been taken to make prisons safer and to reduce access to objects such as razors, which had been used in self-harm incidents. The latest figures showed that in 2023 there had been 93 self-inflicted deaths in custody; in the 12 months ending in September 2023 there had been nearly 68,000 self-harm incidents, a disproportionate number of which involved women prisoners who self-harmed repeatedly. The rate of self-harm had increased by about 25 per cent between 2022 and 2023, but over the long term had remained more or less stable. The rate of self-inflicted deaths over the past 10 years had been steady, at about 1 death per 1,000 prisoners. Coroners' inquests were held into deaths in custody and mechanisms were in place for learning lessons from both deaths in custody and self-harm incidents.

31. **A representative of the United Kingdom**, addressing questions related to the situation in Scotland, said that in the 2022/23 financial year the total cost of legal aid had been £135 million, marking a 36 per cent increase since 2020/21. A public consultation had been held in 2019 and its results had shown overwhelming support for retaining and expanding the scope of legal aid specifically for group actions, cases before tribunals and human rights issues. The Scottish government planned to engage with stakeholders, including the legal profession and victim support organizations, to shape future legislative proposals during 2024. In 2019, a law on the age of criminal responsibility had raised the age from 8 to 12 years. It thus ensured that children under 12 could not accrue convictions on criminal records. In Scottish prisons, suicide prevention was a top priority, with efforts focused on providing effective mental health support and comprehensive needs assessments for the prison population. The prison service took action to prevent suicides by holding audit reviews when deaths occurred and by training its staff to prevent self-harm among inmates, with a special focus on at-risk groups such as women and young people. Under the country's mental health strategy, funding would be provided for 800 additional mental health workers in key settings, which included police stations and prisons.

32. **A representative of the United Kingdom** said that in Wales, new mental health standards in prisons focused on safety and 24-hour care, with mental health teams involved in managing self-harm incidents and in suicide prevention. A mental health helpline was available in all Welsh prisons. The Welsh authorities planned to consult on a new mental health and suicide prevention strategy, emphasizing key settings, including prisons, to reach the persons most vulnerable to self-harm. The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 had removed the defence of reasonable punishment, giving children the same protection from assault as adults.

33. **A representative of the United Kingdom** said that the police service of Northern Ireland prohibited violence against children and had established laws and procedures to address corporal punishment. Changes to laws regarding corporal punishment, including the removal of the defence of reasonable chastisement, would require the agreement of the

Northern Ireland Executive, given the implications for health, parenting strategies and family law. A consultation on raising the minimum age of criminal responsibility to 14 or older had shown public support for such an initiative, which would be referred to the Minister of Justice and the Executive.

34. In Northern Ireland, legal aid covered criminal advice, representation under the Police and Criminal Evidence Act 1984 and representation in the form of criminal defence services. It was also available for civil legal services, including representation in immigration cases, subject to financial eligibility and merits testing. The Department of Justice was reviewing criminal legal aid to ensure sustainability and consistency with other provisions and reforms; part of that review involved the reconsideration of remuneration levels. A parallel review of civil legal aid, including remuneration levels, was set to begin in April 2024.

35. **A representative of the United Kingdom** said that Jersey, as a self-governing Crown dependency, had autonomy in setting policies. In April 2020 it had become the first part of the British Isles to ban the corporal punishment of children, thus providing them with the same legal protection against assault as adults. Specifically, the law abolished the defence of reasonable corporal punishment. The minimum age of criminal responsibility in Jersey was 10, but prosecution of children under 14 years of age was extremely rare, as the Attorney General had issued guidelines minimizing prosecution in such cases, preferring whenever possible to divert children's cases away from the criminal justice system to the island's network of parish halls that served as local hubs of civic administration and support. In dealing with juvenile cases, the authorities worked with stakeholders such as the independent office of the Children's Commissioner for Jersey.

36. **A representative of the United Kingdom** said that the minimum age for recruitment into the armed forces was 16 years. The armed forces' recruitment campaigns did not directly target persons under the age of 18 years and did not recruit in schools. Anyone under 18 required parental consent to join the armed forces, and recruits in that age group were not deployed to conflict situations. All recruitment policies complied with human rights law and the humanitarian principles set out in the Geneva Conventions.

37. **A representative of the United Kingdom** said that in February 2024, the Court of Appeal had dismissed, on all grounds, the appeal brought by Shamima Begum against the Government's decision to deprive her of British citizenship. Owing to the potential for additional legal proceedings in that case, it would not be appropriate to comment further. The removal of citizenship was a weighty decision taken by the Home Secretary when he or she was satisfied, after careful consideration of all available evidence and in accordance with international law, that it would be conducive to the public good. Even then, no action was taken if the individual concerned would thereby be rendered stateless. The courts had considered many appeals against such decisions and had always found in favour of the Government.

38. The Government's priority was to ensure the safety and security of the United Kingdom and its population. Since 2011, the Foreign, Commonwealth and Development Office had advised against all travel to Syria, where no British consular support was available. Where feasible, and subject to national security concerns, the Office sought to facilitate the return from Syria of British orphans or unaccompanied minors who were brought to its attention, and it had already done so in several cases.

39. The proposed amendments to the Investigatory Powers Act 2016 were designed to reflect changing threats and the new technological landscape and did not represent a rollback of safeguards. The amendments, which included updates to the bulk personal data set regime and the expansion of the oversight regime of the Investigatory Powers Commissioner, would ensure that investigatory powers were used as necessary and in a proportionate manner. The Act placed strict safeguards on bulk warrants and on access to data collected in bulk. Bulk personal data sets were an essential tool to enable the intelligence services to identify threats, in particular from lone actors, and their use was more time-efficient, more effective and less intrusive than other techniques. Individuals who believed that they had been victims of unlawful action by public authorities using covert investigation techniques could exercise their right to redress through the Investigatory Powers Tribunal.

40. The Online Safety Act 2023, which was designed to defend privacy, freedom of expression and the valuable role of a free press, placed an obligation on companies to take action to protect children from sexual abuse and exploitation. Large platforms with the biggest impact on public discourse had a duty to safeguard freedom of expression, prevent overreach in the removal of content and ensure that legal content, however controversial, was not arbitrarily removed or restricted. Companies must have accessible and effective reporting mechanisms to allow users to challenge the wrongful removal of content. End-to-end encryption had not been criminalized.

41. The partnerships maintained by the country's intelligence community with overseas counterparts were critical to its ability to protect national interests. Robust ministerial and judicial oversight mechanisms were in place, and such cooperation was undertaken in accordance with international law, national policies and values and the Government's stance on torture and cruel, inhuman and degrading treatment, unlawful killing and extraordinary rendition. The principles relating to the detention and interviewing of detainees overseas governed the actions of intelligence personnel when sharing intelligence with their counterparts in other countries.

42. **A representative of the United Kingdom** said that preventing people from crossing the English Channel and entering the United Kingdom illegally to seek asylum was a high priority of the Government. It was imperative to keep in mind that all such journeys were unnecessary, since the people making them were departing from demonstrably safe countries with functioning, fair and effective asylum systems. Progress had been made in disrupting the organized criminal gangs that smuggled people into the United Kingdom, as shown by the fact that arrivals had dropped by a third in 2023. The most effective way to tackle the problem was to ensure that people who entered the country illegally were not permitted to remain. The Government's cooperation with the Albanian authorities showed that deterrence was effective: the number of arrivals from Albania had fallen by more than 90 per cent.

43. With regard to the claim that the Illegal Migration Act 2023 was incompatible with the 1951 Convention relating to the Status of Refugees, he recalled that, pursuant to the 1969 Vienna Convention on the Law of Treaties, all treaty provisions must be interpreted in good faith. There was no uniform international interpretation of certain concepts in the 1951 Convention. For example, article 31 provided that States should not impose penalties on persons who had entered their territory illegally, having come "directly from a territory where their life or freedom was threatened". Persons arriving in the United Kingdom from France or Belgium clearly did not meet that criterion. The Illegal Migration Act specified the Government's interpretation of the phrase "coming directly".

44. Similarly, the Government's partnership with the Government of Rwanda would not give rise to a risk of refoulement, which was prohibited under article 33 of the 1951 Convention. The "first safe country" principle was an established part of international asylum procedures and was applied throughout the European Union. The Illegal Migration Act provided for two types of appeal that could be filed against removal orders, both of which had suspensive effect. The most recent amendments to the Safety of Rwanda (Asylum and Immigration) Bill were intended to respond to the key findings of the November 2023 Supreme Court judgment, which had been based on information provided to the Court up until the summer of 2022. Since that time, the Government had been working with the Government of Rwanda to address the potential shortcomings identified by the Court. While the bill did not allow general challenges regarding the safety of Rwanda, it preserved the right of individuals to challenge removal to Rwanda if their particular personal circumstances meant that they would not be safe there.

45. The authorities had not removed access to justice from detained migrants, who must wait 28 days before requesting bail. While there was no formal time limit on the detention of migrants, they could not be detained indefinitely; 74 per cent of placements in such detention lasted less than one month, and less than 1 per cent lasted more than six months. It remained possible for detainees to bring a writ of habeas corpus. Under the Illegal Migration Act, only a Minister of the Crown could determine whether it was appropriate to defer a removal order in the light of interim measures indicated by the European Court of Human Rights. The relevant provisions, which reflected the country's dualist system, made clear that proceeding

with enforcement action where an interim measure had been indicated would not give rise to a breach of international obligations in every instance.

46. With regard to modern slavery, the changes to the standard of proof applied by the National Referral Mechanism were designed to ensure that decision makers took all available evidence into account and that genuine victims received appropriate support. The guidance for assessing whether there were reasonable grounds to believe that a person was a victim had been made more robust, but did not require conclusive proof and allowed for the consideration of unusual circumstances. Between July and September 2023, 52 per cent of such “reasonable grounds” decisions had been positive, indicating that the standard of proof was not too high. Persons who entered the United Kingdom illegally and were identified as victims of modern slavery would be returned to their country of origin or to another safe country. The Government was satisfied that the Illegal Migration Act was compatible with article 4 of the European Convention on Human Rights and with the Council of Europe Convention on Action against Trafficking in Human Beings. Under the latter, it was not mandatory to provide victims with a recovery and reflection period if grounds of public order prevented it.

47. Regarding the question of visas and the status of migrants in relation to employment disputes, visas were granted only if applicants met the established rules and conditions. Conflict with an employer did not necessarily mean that the migrant concerned was a victim of trafficking. However, avenues of support existed for victims of illegal exploitation by an employer, including the possibility of applying for leave to remain in the United Kingdom.

48. Live facial recognition technology enabled police officers to do the same work they had always done, but with greater speed and accuracy. All deployments of such technology were targeted, intelligence-led and subject to time and geographical limits.

49. **Ms. Kran** said that she would welcome more details about how the legal provisions governing end-to-end encryption and the intended changes to the rules on bulk personal data sets would better protect the right to privacy. It would be useful to know how judicial or independent oversight was ensured when persons subject to immigration control were tracked via electronic monitoring. She would also be interested to know whether the authorities intended to reverse plans to require banks to surveil the accounts of millions of recipients of State benefits, which would represent a chilling erosion of the right to privacy. Lastly, the application process for the exceptional case funding scheme referred to by the delegation appeared to be inefficient and did not include an emergency application process. It would be helpful to hear about any measures for expediting the application process and establishing emergency procedures.

50. **Mr. Yigezu** said that it was unclear whether a human rights-centred approach had been taken to the Grenfell Tower inquiry. He would welcome clarification of whether the planned safeguards for buildings with combustible cladding would be effective in preventing similar fires from occurring, given that thousands of buildings were in need of such remediation.

51. He would appreciate information on the concrete measures that were being taken to reduce overcrowding in prisons and to improve the treatment of detainees, including children, in line with international standards. In particular, serious concerns had been raised about conditions in Scottish prisons, including the use of solitary confinement. He wished to know whether the long-planned amendments to the Mental Health Act 1983 would be brought forward, particularly in the light of the fact that, as of December 2023, some 2,000 individuals with learning disabilities or autism had been in detention in England. Lastly, he would welcome the delegation’s comments on the Government’s veto of the gender recognition reform bill that had been passed in Scotland.

52. **Ms. Tigroudja** said that she did not see how the need to combat organized crime could be used to justify, as being necessary and proportionate, the provisions of the Illegal Migration Act on the treatment of migrants, including children, who entered the country illegally. She would also like to know why the State party did not allow the classification of Rwanda as a safe country to be challenged in court, since conditions could change over time, as the delegation itself had acknowledged. It was unclear how the Vienna Convention on the Law of Treaties could be understood to support the State party’s position with respect to

interim measures indicated by the European Court of Human Rights, given that, under article 27 of the Convention, a State could not invoke internal law as a justification for failing to perform a treaty obligation.

53. She wished to know what the rationale had been for the State party's reservation to article 59 of the Istanbul Convention and for the differing treatment of migrant and non-migrant women under the Domestic Abuse Act 2021. She would appreciate information on the steps being taken to promote prisoners' mental health, particularly in terms of education and reintegration, and to ensure that conditions in private prisons were conducive to respect for prisoners' fundamental rights. She wondered whether the State party planned to amend or repeal the Public Order Act in the light of concerns that it restricted the freedoms of speech and expression and of peaceful assembly.

54. **Mr. Teraya** said that he had not heard a reply to his questions on the caseload of the Statelessness Determination Team and the resources allocated to it, the legal aid services available to persons in statelessness determination procedures and the standard of proof in such procedures. He also wished to know what steps the State party was taking to address claims by members of the Windrush generation. He would be grateful for specific data on repatriations of British nationals from north-eastern Syria. Lastly, he remained concerned about cases where persons had been deprived of their British citizenship under the British Nationality Act 1981. He wondered whether deprivation of citizenship was truly a necessary and proportionate means of addressing potential public safety concerns.

55. **Ms. Bassim** said that she would appreciate comments from the delegation on reports that the Counter-Terrorism and Border Security Act 2019 infringed the freedom of opinion and expression of opinion leaders, journalists, bloggers and users of social media. Did the State party have any plans to regulate the use of the Internet or social media for the expression of public opinion?

56. **Mr. Soh** said that he wondered whether the State party planned to take steps to reduce the use of so-called "poverty penalties", such as the imposition of criminal sanctions for the non-payment of television licence fees and even incarceration for failure to pay fines, especially in Northern Ireland. He would also like to know whether guidance on debt and financial management would be provided to persons who were in detention or on probation.

57. **A representative of the United Kingdom** said that the Grenfell Tower inquiry had encompassed both a human rights-based, victim-centred approach and a regulatory approach, as it had given rise to recommendations on the broader regulatory context. The remediation work being undertaken gave priority to the types of buildings that were of greatest concern, and thus reflected a proportionate and risk-based approach.

58. The Government would not characterize the exceptional case funding scheme as inefficient. The legal aid agency could move very briskly when necessary. Information on whether an emergency application procedure was available would be provided in writing.

59. The gender recognition reform bill that had been passed in Scotland had been prevented from proceeding under a provision of the devolution framework that served to avert inconsistencies that would have an adverse effect on the operation of other legislation in other parts of Great Britain. The measure was thus related to a constitutional issue and in no way reflected a lack of respect for transgender persons.

60. The Government did not claim that the country's internal law exempted it from its international obligations, and it accepted that, under the case law of the European Court of Human Rights, interim measures indicated by the Court would normally be considered binding. But as the United Kingdom was a dualist State, a decision on how to respond to such measures had to be taken by a minister. Article 34 of the European Convention on Human Rights, the article under which the Court had found interim measures to be binding, had not been incorporated into domestic law and was not among the "Convention rights" referred to in the Human Rights Act 1998.

61. Private prisons in England and Wales were held to the same standards as State prisons and were considered public authorities for the purposes of the Human Rights Act. Programmes to support prisoners' mental health were applied across the prison estate.

62. **A representative of the United Kingdom** said that prisons had come under acute pressure in recent years owing not only to the sentenced population but also to increases in the population on remand or sent back to prison on recall. The upward trend had been driven by increased charging by the police and the Crown Prosecution Service and also by longer sentences. To address overcrowding, the Government was building 20,000 prison places, of which 5,900 had already been delivered, and had taken short-term measures to expand capacity by around 2,000 places while ensuring that prisons remained safe for staff and offenders. In addition, the Sentencing Bill, which had had its second reading in Parliament, would introduce a presumption that custodial sentences of 12 months or less should be suspended and would make prisoners serving sentences longer than 4 years eligible for the home detention curfew scheme. The early removal scheme, under which foreign national offenders could be removed up to 18 months before the end of the custodial element of their sentence, had been extended.

63. The significant investment made in increasing the number of prison officers had been the key element enabling prisons to increase prisoners' time out of their cells. A new national regime model was being launched for prisons in England and Wales to ensure that such time was spent productively and safely.

64. **A representative of the United Kingdom** said that the Scottish Prison Service was conducting an internal review of the use of segregation and reintegration units. An additional £14 million had been allocated under the Scottish government's draft budget for 2024/25 to support efforts to reduce the use of custody, including community justice services. The resource budget of the Scottish Prison Service had been increased by £38.5 million, to £436.6 million, and £167 million in capital funding would be invested in the expansion and modernization of the prison estate.

65. **A representative of the United Kingdom** said that electronic monitoring was available as an alternative to detention for people subject to immigration control and could also be a bail condition. Persons under such a measure could apply for it to be lifted at any time. The Illegal Migration Act applied to both adults and children who entered the country illegally so as not to incentivize criminals to target children and families. Domestic courts at the highest level had held that both the inadmissibility regime under the Act and the Rwanda scheme were capable of being compatible with the country's international obligations.

66. Regarding the reservation to the Istanbul Convention, the authorities' position with respect to article 59 remained under review pending the completion of the evaluation of its Support for Migrant Victims pilot scheme. The reservation to article 59 had been entered so that the Government could ratify the Convention without delay. The pilot scheme had concluded in March 2022 and the evaluation report had been published in 2023. The reservation could potentially be withdrawn in the future.

67. **A representative of the United Kingdom** said that, under the proposed amendments to the Investigatory Powers Act, authorizations relating to bulk personal data sets would as a rule need to be approved by a judicial commissioner, who would review the conclusion reached as to whether the individuals to whom the personal data related could have no, or only a low, reasonable expectation of privacy in relation to the data. The intelligence services would be subject to inspection by the Office of the Investigatory Powers Commissioner. Accountability would also be ensured through an annual report to the Secretary of State. The amendments would not ban end-to-end encryption or allow the Secretary of State to prevent companies' roll-out of new technologies or security measures.

68. The United Kingdom had not taken action to deprive persons of their citizenship in cases where they would be left stateless. The Government released data annually on the number of people who had been deprived of their citizenship. The number to whom that measure had been applied on the grounds that such deprivation was conducive to the public good had been 27 in 2019, 10 in 2020, 8 in 2021 and 3 in 2022. Adequate resources were in place to manage the caseload. Regarding the Counter-Terrorism and Border Security Act, the changes it had introduced allowed the police to more effectively pursue people who invited support for proscribed organizations and had facilitated the prosecution of persistent and pernicious radicalizers. The Act did not, however, cross the line into prohibiting freedom of speech or opinion.

69. **A representative of the United Kingdom** said that the delegation would endeavour to provide additional responses in writing within 48 hours, including to the questions posed by Mr. Soh, and looked forward to receiving the Committee's concluding observations.

The meeting rose at 1 p.m.