



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland\*, \*\*

1. The Committee considered the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland<sup>1</sup> at its 4089th and 4090th meetings,<sup>2</sup> held on 12 and 13 March 2024. At its 4108th meeting, held on 26 March 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its eighth periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, policy and institutional measures:

- (a) The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, on 16 January 2024;
- (b) The Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023, on 6 February 2023;
- (c) The Hate Crime and Public Order (Scotland) Act 2021, on 23 April 2021;
- (d) The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, in March 2020;
- (e) The Children (Equal Protection from Assault) (Scotland) Act 2019, on 7 November 2019;
- (f) The Limitation (Childhood Abuse) (Scotland) Act 2017, on 28 July 2017;
- (g) The Hate Crime Strategy for Scotland, in March 2023;
- (h) The 2024 Code of Ethics of the College of Policing, in January 2024.

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\* Adopted by the Committee at its 140th session (4–28 March 2024).

\*\* The present document also covers the British overseas territories and the Crown dependencies.

<sup>1</sup> [CCPR/C/GBR/8](#).

<sup>2</sup> See [CCPR/C/SR.4089](#) and [CCPR/C/SR.4090](#).

<sup>3</sup> [CCPR/C/GBR/QPR/8](#).



## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

4. While noting that the State party has a dualist legal system, the Committee remains concerned that not all the rights enshrined in the Covenant are adequately incorporated into the domestic legal system and therefore cannot be invoked before domestic courts, and that the State party's definition of the conditions of the applicability of the Covenant outside the territories under its authority or effective control are not in line with the jurisprudence of the Committee. In that regard, while welcoming the decision to abandon the reform of the Human Rights Act 1998 through the Bill of Rights Bill, which was highly criticized for being more restrictive than the Human Rights Act 1998, the Committee is concerned that similar efforts have been pursued through other legislation. Furthermore, it is concerned about the lack of significant progress in the development of the Bill of Rights for Northern Ireland (art. 2).

5. **Bearing in mind the Committee's previous recommendations,<sup>4</sup> the State party should:**

(a) **Undertake a comprehensive review of legislation with a view to identifying any potential gaps in provisions or provisions that conflict with the Covenant and, bearing in mind the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, ensure that all Covenant rights are given full legal effect in all jurisdictions that fall under its authority or control or with regard to which it has formally undertaken to implement the Covenant;**

(b) **Ensure that any legislation that may be adopted in the future to replace or amend the Human Rights Act 1998 is aimed at strengthening the status of international human rights, including the provisions of the Covenant, in the domestic legal order, and provide effective protection of those rights across all jurisdictions;**

(c) **Increase its efforts to expedite the process of adopting the Bill of Rights for Northern Ireland and ensure that it incorporates all the rights enshrined in the Covenant.**

### Reservations and the first Optional Protocol

6. While noting the information provided regarding the State party's reservations to articles 10 (2) (a), 14 (3) (d) and 24 (3) of the Covenant with respect to the State party's overseas territories and the challenges they face, the Committee remains concerned that the State party maintains these reservations. The Committee also regrets that the State party maintains its position not to ratify the first Optional Protocol to the Covenant based on the State party's membership to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). In this regard, the Committee is concerned that a possible withdrawal by the State party from the European Convention on Human Rights would render individuals without options for the effective protection of their rights and freedoms, including the right to an effective remedy (art. 2).

7. **Recalling its previous recommendation,<sup>5</sup> the Committee reiterates that the State party should take concrete steps with the aim of withdrawing its remaining reservations to articles 10, 14 and 24 of the Covenant to ensure the full and effective application of the Covenant across all jurisdictions, including its Crown dependencies and overseas territories. The Committee also reiterates that the State party should reconsider its position regarding accession to the first Optional Protocol to the Covenant, which provides for an individual complaint mechanism.**

### National human rights institutions

8. The Committee welcomes the A status reaccreditation of the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission in June 2021 and

<sup>4</sup> CCPR/C/GBR/CO/7, para. 5.

<sup>5</sup> Ibid., para. 6.

October 2023, respectively, by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. It is concerned, however, about allegations questioning the ability of the Equality and Human Rights Commission of Great Britain to conduct its mandate independently, particularly in relation to positions the Commission has allegedly taken on lesbian, gay, bisexual, transgender and intersex issues, leading the Subcommittee on Accreditation to initiate a special review of the Commission in 2024 (art. 2).

9. **The State party should continue its efforts, including by implementing the recommendations of the Global Alliance of National Human Rights Institutions, to ensure that its national human rights institutions fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and are able to carry out their mandates effectively and independently, including by ensuring that they have the human, financial and technical resources necessary to perform their tasks effectively and by aligning its positions on issues related to human rights with international standards.**

#### **Accountability for past human rights violations**

10. The Committee is concerned by the adoption of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which occurred despite the warnings expressed by domestic and international actors that it would be in breach of the Good Friday Agreement and would violate the State party's international human rights obligations, including its obligations under the Covenant. In particular, the Committee is concerned about the conditional immunity scheme for persons who have committed serious human rights violations, the weakness of the "review" function of the Independent Commission for Reconciliation and Information Recovery, the allegations concerning the Commission's lack of independence, the absence of any power of investigation to guarantee the right to truth for victims, and the procedural barriers and obstacles to criminal investigations, civil suits and other remedies, effectively stifling any criminal or civil proceedings connected to the Troubles. The Committee is also concerned about the increased use of closed material proceedings for legacy cases. Furthermore, while welcoming the appointment of the non-statutory independent panel in 2023, which gives survivors the means to provide testimony, the Committee is concerned that no transitional justice mechanisms have been put in place to address the systematic abuse of women and children in Northern Ireland between 1922 and 1995 in institutions such as the Magdalene laundries and mother and baby homes (arts. 2, 6, 7 and 14).

11. **The Committee calls on the State party to repeal or reform the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 and to adopt proper mechanisms with guarantees of independence, transparency and genuine power of investigation that discharge the State party's human rights obligations and deliver truth, justice and effective remedies, including reparations to victims of the Northern Ireland conflict. Furthermore, it should ensure the prompt establishment of a transitional justice mechanism to address abuses in institutions such as the Magdalene laundries and mother and baby homes in Northern Ireland, ensuring that perpetrators are prosecuted and punished with penalties proportionate to the gravity of the offence and that all victims obtain an effective remedy.**

12. The Committee regrets that no prosecutions or further investigations have been carried out in relation to the allegations of war crimes committed by British soldiers in Iraq. It is also concerned by the adoption of the Overseas Operations (Service Personnel and Veterans) Act 2021, which establishes a presumption against prosecution in favour of military personnel deployed outside the territory of the State party after five years and requires the Attorney General to approve decisions to prosecute (arts. 2, 6 and 14).

13. **The State party should take legislative and other steps to ensure that all violations committed by British officials and members of the armed forces, including those committed overseas, are investigated, prosecuted as appropriate and duly sanctioned without a time limitation, including by repealing or amending the Overseas Operations (Service Personnel and Veterans) Act 2021.**

### Non-discrimination

14. The Committee is concerned about reports indicating that racial inequality and discriminatory practices against Gypsies, Roma and Travellers, people of African descent and other minority groups remain largely unaddressed and appear to be increasing despite some positive measures taken by the State party, including the Race Disparity Audit, the Inclusive Britain action plan published in 2022, the Gypsy/Travellers action plan (Scotland) 2019–2021, later extended to 2023, and the Racial Equality Strategy 2015–2025 for Northern Ireland. In particular, the Committee is concerned about reports demonstrating that stark inequalities stemming from systemic racism and the disproportionate and discriminatory policing of people of African descent and other ethnic minorities persist, including discrimination in the criminal justice system, the overrepresentation of people of African descent and ethnic minorities in detention, judicial bias, the lack of participation of such minorities in policymaking and decision-making, and unjustified racial and ethnic disparities in stop and search powers (arts. 2, 3 and 26).

15. **The State party should:**

(a) **Redouble its efforts to prevent, combat and eradicate all forms of racial and ethnic discrimination, particularly systemic discrimination against Gypsies, Roma and Travellers and people of African descent in the criminal justice system, in the use of stop and search powers and in public services, including by monitoring and assessing legislative and policy measures on racism and non-discrimination, and by ensuring the allocation of sufficient resources for the full implementation of anti-discrimination plans and policies;**

(b) **Continue its efforts to improve the reporting, investigation, prosecution and punishment of acts of discrimination, in accordance with its obligations under the Covenant;**

(c) **Increase its efforts to prevent acts of discrimination, including by ensuring adequate training on racial, ethnic and cultural awareness for civil servants, law enforcement officials and bodies, the judiciary and public prosecutors.**

### Hate crimes

16. While welcoming the efforts of the State party to address hate crimes, the Committee is concerned about the continued widespread increase in hate crimes, particularly with respect to race, religion, disability, ethnicity, sexual orientation and gender identity, especially in England and Wales, where hate crimes against transgender individuals were reportedly at a record high. Furthermore, while noting the recent increase in the recording of hate crimes, the Committee is concerned by reports indicating that hate crimes continue to be significantly underreported owing to the lack of trust in the police forces (arts. 2 and 20).

17. **The State party should intensify its efforts to combat hate crimes and, in particular:**

(a) **Take steps to establish a clear and comprehensive legal framework to ensure that the prohibition of hate crimes applies to all protected groups, including by implementing the recommendations of the Law Commission's 2021 final report on hate crime laws in England and Wales and by taking effective steps to promptly enhance hate crime legislation in Northern Ireland;**

(b) **Encourage the reporting of hate crimes and provide effective training to law enforcement officials, judges and prosecutors on addressing and investigating hate crimes;**

(c) **Investigate hate crimes thoroughly, ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and provide victims and their families with access to full reparations.**

### Sexual orientation and gender identity

18. While welcoming the information provided by the State party that it intends to introduce legislation in England and Wales that will ban the use of so-called conversion

therapy against lesbian, bisexual and transgender persons, the Committee is concerned about reports that conversion therapy is considered a protected religious practice in Northern Ireland. Furthermore, it is concerned that, under the Gender Recognition Act 2004, a psychiatric diagnosis and other intrusive and cumbersome requirements, such as living in the person's affirmed gender for two years, are preconditions for legal gender recognition. In that regard, the Committee regrets that the State party has no intention of reforming the Act (arts. 7, 16, 17 and 26).

**19. The State party should continue its efforts and adopt the measures necessary to prohibit the practice of so-called conversion therapy against lesbian, bisexual and transgender persons, including in Northern Ireland. Furthermore, it should take legislative and other measures to eliminate intrusive requirements for legal gender recognition, including psychiatric diagnosis, and provide for and effectively implement a quick, transparent and accessible procedure for legal gender recognition that is compatible with the provisions of the Covenant.**

#### **Violence against women, including sexual and domestic violence**

20. While welcoming the adoption by the State party of the Domestic Abuse Act 2021 and its ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2022, the Committee is concerned by the lack of sufficient protection for migrant women who are victims of gender-based violence. In particular, it is concerned that the Domestic Abuse Act 2021 fails to provide equal protection for migrant women. Furthermore, while welcoming the information that the withdrawal of the State party's reservation to article 59 of the Istanbul Convention is under consideration, the Committee is concerned that migrant women who have experienced violence continue to receive unequal protections and risk being subjected to immigration enforcement upon reporting the abuse they have faced (arts. 2, 3, 6, 7, 23 and 26).

**21. The State party should continue to strengthen its efforts to combat violence against women and girls, including domestic and sexual violence, and take steps to ensure comprehensive protection and support for all victims of gender-based violence, including migrant women and girls, regardless of their migratory status. In particular, the Committee calls on the State party:**

- (a) **To withdraw its reservation to article 59 of the Istanbul Convention;**
- (b) **To amend the Domestic Abuse Act 2021 to ensure equal protection for migrant women, including by providing equal access to social and economic support and a safe mechanism for reporting violence without fear of reprisals or being reported to immigration enforcement authorities;**
- (c) **To encourage the reporting of cases of violence against women and ensure that all victims, including migrant women and girls, have adequate access to effective remedies and means of protection, including shelters and medical, psychosocial, legal and rehabilitative support services.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

22. The Committee welcomes the decriminalization of abortion in Northern Ireland in October 2019 and the formal commissioning of abortion services there in 2022. It is concerned, however, about reports that abortion services are not yet fully operational and that several barriers continue to seriously impede access to abortion services in Northern Ireland. Furthermore, while noting the information provided by the State party that prosecutions are extremely rare, the Committee is concerned that abortion remains criminalized in England and Wales, based on provisions of the Offences Against the Persons Act 1861, in cases where abortion services are sought outside the circumstances provided for under the Abortion Act 1967, and that abortion also remains criminalized in Scotland, resulting in the unequal treatment of women and girls throughout the United Kingdom (arts. 2, 3, 6, 7 and 26).

**23. Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should continue its efforts to guarantee legal, effective,**

**safe, confidential and equal access to abortion for women and girls throughout the United Kingdom. In particular, the Committee calls on the State party:**

**(a) To revise its legislation to fully decriminalize abortion in England, Scotland and Wales, including by repealing the relevant provisions of the Offences Against the Persons Act 1861 as applied in England and Wales, with a view to ensuring that women are not prosecuted for having an abortion;**

**(b) To strengthen its efforts to remove barriers currently impeding access to abortion care in Northern Ireland, including by ensuring adequate, long-term funding in every Health and Social Care Trust and access to telemedicine for early medical abortions;**

**(c) To take measures to prevent the stigmatization and intimidation of those who seek abortion, including by implementing awareness-raising policies and legislation guaranteeing safe access zones in all relevant health service facilities in a timely manner, ensuring that such legislation is in line with articles 19 and 21 of the Covenant.**

#### **Prohibition of torture and cruel, inhuman or degrading treatment or punishment**

24. Bearing in mind its previous concluding observations,<sup>6</sup> the Committee remains concerned by the definition of torture under section 134 (4) and (5) of the Criminal Justice Act 1988, which maintains a defence for individuals charged with torture if they can demonstrate “lawful authority, justification or excuse”, which, in practice, could lead to the Act being interpreted as permitting torture, rather than prohibiting it. Furthermore, the Committee regrets that the State party continues to see the definition as fit for purpose and necessary to cover the situation in which an official incidentally inflicts severe pain or suffering in the performance of their duties, and that there are no plans to reform the defence for torture under the Act (art. 7).

25. **Reiterating the Committee’s previous recommendations,<sup>7</sup> the Committee urges the State party to review its legislation, including the Criminal Justice Act 1988, with a view to ensuring that any possible defences for torture are repealed, in accordance with article 7 of the Covenant and other internationally accepted standards. Furthermore, the State party should continue its efforts to ensure that all individuals considered to have “lawful authority” receive the proper guidance, training and oversight to ensure that torture and other forms of ill-treatment are never used purposefully or incidentally within the United Kingdom or in territories under its jurisdiction. In that regard, the State party should strengthen the training on human rights provided to judges, prosecutors, lawyers and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

26. While welcoming the establishment of the principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees in 2019, the Committee is concerned that the principle of a “presumption not to proceed” with operations does not go far enough to address the need for unambiguous guidance to cease engagement where there is a risk of torture, unlawful killing or extraordinary rendition, as the principle does not mandate an absolute prohibition on such activities. It is also concerned about reports questioning the varying and inconsistent interpretations of individual ministers involved in ministerial authorization decisions, particularly those that concern the risk of torture and mistreatment of detainees, as well as the “significant deficiency” in the application of the “presumption not to proceed” principle shown in the annual report of the Investigatory Powers Commissioner for 2021, published in March 2023. The Committee is further concerned about the effectiveness of diplomatic assurances to minimize the risk of rendition occurring on its territories and on those territories subject to its jurisdiction (arts. 6, 7, 9, 10 and 14).

<sup>6</sup> Ibid., para. 18.

<sup>7</sup> Ibid.

27. **The State party should continue its efforts to ensure the prompt review of the 2019 principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees, ensuring that the principles are updated to make clear the absolute prohibition of torture, unlawful killing and extraordinary rendition, and eliminating any issues of subjectivity created by the application of the “presumption not to proceed” principle. It should also exercise utmost care in evaluating diplomatic assurances to ensure that renditions are not occurring on its territories or on those territories under its jurisdiction. It should ensure that all investigations and proceedings regarding the involvement of British officials in torture, unlawful killings or extraordinary renditions are carried out thoroughly, independently and within a reasonable period of time, that those found responsible are held accountable and that the investigations and any subsequent proceedings are made public.**

#### **Counter-terrorism measures**

28. The Committee regrets that the State party maintains the broadly formulated definition of terrorism in section 1 of the Terrorism Act 2000, on the belief that it remains fit for purpose, and that no measures have been put in place to reduce the maximum period of pre-charge detention in terrorism cases, which continues to be 14 days and can be extended to up to 28 days in response to “urgent” situations. Furthermore, while noting the information provided by the State party with regard to the context of recent terrorist attacks and increased extremism prior to the adoption of the Counter-Terrorism and Border Security Act 2019, the Committee is concerned that the Act may restrict freedom of opinion and expression (arts. 2, 9, 12, 14 and 15)

29. **Bearing in mind the Committee’s previous recommendations,<sup>8</sup> the State party should review its counter-terrorism legislation to ensure that it is in compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, in particular with regard to the definition of terrorism and the maximum period of pre-charge detention in terrorism cases. It should provide effective safeguards, including judicial oversight, for any limitations on human rights imposed for the purposes of national security and ensure that such limitations serve legitimate aims and are necessary and proportionate, in line with the Covenant. It should also ensure that persons suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with all legal safeguards, in accordance with the Covenant.**

#### **Right to life**

30. The Committee welcomes the adoption of the Building Safety Act 2022 and the launch of the Cladding Safety Scheme in July 2023. It is, however, concerned by reports indicating that the circumstances of the Grenfell Tower fire may have breached the Government’s obligations to protect the right to life, with the Government having allegedly failed to take appropriate measures prior to the fire in 2017 to mitigate the risk to life arising from the combustible cladding material. In that regard, the Committee regrets that the final report of the public inquiry into the Grenfell Tower fire remains unpublished and is concerned that, while progress has been made to remove and replace combustible cladding materials on residential buildings over 18 metres high, reports indicate that remediation work has not yet started on a substantial number of buildings that are between 11 and 18 metres high (art. 6).

31. **The State party should strengthen its efforts to ensure the removal of all combustible cladding material from buildings where there might be a risk to life, and to provide additional protective measures to meet the needs of people in the most vulnerable situations, in relation to evacuation policies and housing allocation. It should also promptly conduct effective investigations into the potential violations of the right to life and human dignity of the victims of the Grenfell Tower fire and should, in the event that a violation is found, ensure that legal remedies are available to those affected, including, where appropriate, compensation and rehabilitation.**

<sup>8</sup> Ibid., para. 14.

### **Excessive use of force by law enforcement officials**

32. While welcoming the introduction of the 2024 Code of Ethics of the College of Policing, which establishes non-statutory guidance for ethical and professional behaviour in policing, the Committee is concerned about the high rates of use of conductive energy devices, known as “tasers”, by law enforcement officials. In that regard, the Committee is particularly concerned by reports highlighting that the use of tasers on children and persons with disabilities persists, and those highlighting the significant role of systemic racism in the high levels of racial disparity in taser use, particularly affecting people of African descent (arts. 2, 6, 7 and 26).

33. **Bearing in mind the Committee’s general comment No. 36 (2018), the State party should:**

(a) **Ensure that the domestic legislation and operational procedures governing the use of force and firearms by law enforcement officials are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Provide clear procedures to prevent the use of tasers on vulnerable groups such as children and persons with disabilities, prohibiting their use against such groups in all but the most extreme circumstances;**

(c) **Strengthen its efforts to address systemic racism and racial and ethnic discrimination in policing and law enforcement, including in the use of tasers.**

### **Conditions of detention**

34. While welcoming the efforts of the State party to improve conditions of detention and the mental health of persons in detention, including through the publication in 2021 of the Prisons Strategy White Paper in England and Wales, the Committee is concerned by reports highlighting the cumulative deleterious effects on the lives of prisoners of chronic overcrowding, poor living conditions and a lack of purposeful regimes, and that children often remain in their cells for between 22 and 23 hours each day. It is also concerned about the use of segregation and about the use of solitary confinement, restraints and strip searches in young offenders’ institutions in Scotland. Furthermore, the Committee is concerned that despite the various measures taken in England, Scotland and Wales, reports continue to indicate an increase in the number of self-inflicted deaths, including by suicide, and self-harm in custody. The Committee also expresses concern at the number of persons, mainly members of minority groups and women, being imprisoned for failure to pay fines, particularly in Northern Ireland (arts. 6, 10, 11 and 14).

35. **The State party should intensify its efforts to ensure that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, the State party should:**

(a) **Continue its efforts to reduce prison overcrowding, particularly through wider application of non-custodial measures, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), as an alternative to imprisonment, and provide for a community service order as an alternative to imprisonment for the non-payment of fines;**

(b) **Effectively limit the use of solitary confinement and administrative or disciplinary segregation as a measure of last resort and for as short a time as possible, and ensure that the use of such measures is subject to judicial review;**

(c) **Ensure that body search procedures are strictly supervised and that invasive searches are conducted only in exceptional cases and in the least intrusive manner possible, with full respect for the dignity and gender identity of the individual concerned;**



(d) **Increase its efforts to prevent self-inflicted deaths, including by suicide, and self-harm in custody and ensure that cases of self-inflicted death, including by suicide, and self-harm are independently and thoroughly investigated.**

#### **Detention of persons with disabilities**

36. The Committee is concerned that the State party's legislation, particularly the Mental Health Act 1983, provides for involuntary, compulsory treatment and detention, both inside and outside hospitals, based on actual or perceived impairment. In that regard, the Committee is concerned that persons with learning disabilities or autism continue to be detained in mental health inpatient care under the Mental Health Act 1983. Furthermore, it is concerned by reports indicating that the average length of stay in inpatient settings for persons with learning disabilities and with autism in England was over two years (arts. 7 and 10).

37. **The Committee urges the State party to repeal legislation, including the Mental Health Act 1983, and practices that authorize non-consensual, involuntary, compulsory treatment and detention of persons with disabilities based on actual or perceived impairment. Furthermore, the State party should intensify its efforts to guarantee the provision of sufficient community-based mental health services, providing early intervention and preventative support.**

#### **Elimination of slavery, servitude and trafficking in persons**

38. The Committee is concerned that recent changes to legislation, including the Nationality and Borders Act 2022, amending the Modern Slavery Act 2015, and the Illegal Migration Act 2023, have resulted in the removal of certain protections for potential victims of trafficking and made it harder to identify victims of trafficking in persons and, therefore, to ensure that they have access to justice. In particular, the Committee is concerned that the legislative changes increase the burden of proof when bringing cases before the National Referral Mechanism, criminalize victims of trafficking in persons and will likely result in victims being removed from the State party without their claim being fully considered and without being provided with the necessary support and protections under article 8 of the Covenant and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Furthermore, the Committee is concerned about the visa policy for migrant workers, which makes their situation more precarious and leaves them open to abuse and exploitation by employers. It is also concerned about the lack of protections available to them (arts. 2, 7, 8 and 26).

39. **The State party should:**

(a) **Ensure that the legislative framework to combat trafficking in persons is aligned with international standards on trafficking in persons, including by reforming the National Referral Mechanism and by ensuring that implementation of the Illegal Migration Act 2023 does not result in victims of trafficking in persons being returned to face further exploitation and harm;**

(b) **Intensify its efforts to provide effective remedies, including protection, rehabilitation and compensation, for all victims of trafficking in persons and exploitation, regardless of their migratory status;**

(c) **Intensify its efforts to strengthen legislation, including the visa policy, and regulations protecting migrant workers against abuse and exploitation, facilitate access to effective legal remedies, with interpreting services, and ensure that workers can access those remedies without fear of reprisal, detention or deportation;**

(d) **Facilitate the reporting of abuse and exploitation, including by ensuring access to multiple forms of reporting and by conducting educational campaigns for migrant workers, in their own languages, about their rights and available remedies.**

#### **Treatment of aliens, including migrants, refugees and asylum-seekers**

40. The Committee is deeply concerned about the introduction of legislative initiatives containing elements that discriminate against migrants and that seek to limit access to rights

for asylum-seekers, refugees and migrants, such as the Illegal Migration Act 2023, which denies persons who arrive through irregular channels the right to claim asylum if they have passed through a country in which they did not face persecution, effectively amounting to an asylum ban, in breach of the Convention relating to the Status of Refugees, including its article 31, which prohibits penalizing refugees and asylum-seekers on account of their “illegal entry or presence”, and its article 33 on non-refoulement. The Committee also regrets the State party’s efforts to make arrangements with third countries to transport individuals seeking asylum to such countries, particularly through the Memorandum of Understanding between the United Kingdom and Rwanda and the Government’s efforts to adopt the Safety of Rwanda (Asylum and Immigration) Bill despite the ruling by the Supreme Court that the arrangement would not be compliant with international law, particularly the prohibition of refoulement (arts. 2, 8, 9, 13, 14 and 26).

**41. The Committee urges the State party:**

(a) **To swiftly repeal the legislative provisions, including those within the Illegal Migration Act 2023, that discriminate against migrants and that seek to limit access to rights for asylum-seekers, refugees and migrants on account of their “illegal entry or presence”, with a view to ensuring that its legislation fully complies with the Covenant and relevant international standards;**

(b) **To provide access to status determination mechanisms for asylum-seekers, refugees and stateless persons to help ensure that they have their claims processed expeditiously and that those granted protection are able to integrate effectively and are protected from discrimination, regardless of their national origin or status as refugees or stateless persons, in line with articles 2, 13 and 26 of the Covenant;**

(c) **To withdraw the Safety of Rwanda (Asylum and Immigration) Bill, or repeal the bill if passed, with a view to strictly upholding the principle of non-refoulement in both law and practice.**

**Immigration detention conditions**

42. While noting that the State party acknowledged that migrants cannot be detained indefinitely in immigration removal centres, the Committee remains concerned by reports indicating that many individuals are held in such centres for more than 28 days and that there has allegedly been an increase in the number of cases in which immigration detention was used unlawfully. The Committee is further concerned that the Illegal Migration Act 2023 expands the powers and application of detention, and that it allows for: pregnant women to be detained for up to seven days; the detention of children; and people arriving without proper documentation to be automatically detained for up to 28 days without access to immigration bail or judicial review. Furthermore, the Committee is concerned by reports revealing that anyone subject to immigration control can be subject to surveillance, including through GPS tracking (arts. 7, 9, 10, 13 and 17).

43. **Bearing in mind the Committee’s previous recommendations,<sup>9</sup> the State party should establish a statutory time limit on the duration of immigration detention and ensure that detention is used only as a measure of last resort and for the shortest possible period of time, and increase the use of alternatives to detention, particularly for children, pregnant women and families with children, that are respectful of human rights, including the right to privacy, instead of surveillance-based technological alternatives.**

**Statelessness and deprivation of citizenship**

44. The Committee regrets the lack of information provided by the State party during the dialogue regarding the statelessness determination procedure and is concerned by reports indicating: that administrative detention is used for individuals claiming statelessness; that detained stateless persons are ineligible for free legal assistance for statelessness applications;

<sup>9</sup> Ibid., para. 21.

and that the standard of proof in the statelessness determination procedure is very high (arts. 2, 14, 16, 24 and 26).

**45. The State party should provide full and effective protection of stateless persons residing in the jurisdictions of the State party in line with international standards, including the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness. It should also intensify its efforts to ensure that no person becomes or remains stateless, by granting citizenship or by issuing identity documents to stateless persons, where appropriate; to guarantee the right of every child to acquire a nationality; and to develop effective mechanisms to address the situation of stateless persons, ensuring that any detention of individuals claiming statelessness is reasonable, necessary and proportionate, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person, that alternatives to detention are found in practice and that legal assistance is provided to them.**

46. The Committee remains concerned by increasing reports of deprivation of citizenship in the counter-terrorism context, particularly in the light of the lack of sufficient safeguards in place to protect against statelessness. While noting that decisions to deprive individuals of citizenship occur only when it would be "conducive to the public good", and never when the individual in question would be left stateless, the Committee is concerned that this is not always applied, as exemplified in the case of Shamima Begum, who was effectively left stateless following the decision to revoke her citizenship. The Committee is also concerned that under the current legislative framework individuals can be stripped of their British citizenship while abroad and may be denied re-entry before an appeal has been duly considered. Furthermore, while noting the efforts of the State party to secure the repatriation of some individuals, including orphans, from the north-east of the Syrian Arab Republic, the Committee is concerned that many British nationals, including women and children, remain in armed conflict zones (arts. 2, 14, 16, 24 and 26).

**47. Bearing in mind the Committee's previous recommendation,<sup>10</sup> the State party should:**

**(a) Review the legislative framework to ensure that the denial of citizenship, on terrorism grounds, includes appropriate procedural safeguards and is consistent with the principles of legality, necessity and proportionality;**

**(b) Ensure that, in law and in practice, the necessary safeguards are in place to guarantee that decisions of deprivation of citizenship do not render individuals stateless, and that all decisions are subject to judicial review and fully respect the right to fair legal proceedings, ensuring that all individuals, whether located within or outside a jurisdiction of the State party, have adequate access to an independent appeals procedure;**

**(c) Intensify its efforts to swiftly repatriate all its nationals who are currently in armed conflict zones, along with their children and other family members, by means of a clear and fair procedure that respects the principle of the best interests of the child and provides adequate access to rehabilitation services and care upon repatriation.**

#### **Access to justice**

48. While welcoming the efforts by the State party to add financial and human resources to the legal aid system, the Committee is concerned about the depletion of legal aid lawyers, especially in Northern Ireland and Scotland, in part owing to low salaries. The Committee is also concerned that the Legal Aid, Sentencing and Punishment of Offenders Act 2012 limits access to legal aid in England and Wales for essential services, including in cases involving child custody, immigration, housing and welfare, and assistance provided through the Criminal Injuries Compensation Scheme. Furthermore, while the exceptional case funding process is designed to provide funding for cases that fall outside the scope of the legal aid scheme, the Committee is concerned that the application process for exceptional case funding

<sup>10</sup> Ibid., para. 15.

appears to be inefficient and that there is no emergency application process available (arts. 2 and 14).

49. **The State party should redouble its efforts to improve access to justice through the provision of adequate free legal aid to all persons without sufficient means, especially in cases where the interests of justice so require, in accordance with article 14 (3) (d) of the Covenant, including by increasing the allocation of human and financial resources to ensure the adequate and efficient functioning and sustainability of the Legal Aid Agency. It should also review the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to identify any negative impact it may have, and ensure that financial eligibility thresholds for legal aid exclude only those individuals who can genuinely afford to pay for their own legal representation and that contributions are affordable.**

#### **Right to privacy and freedom of expression**

50. While the Committee welcomes the efforts of the State party to amend the Investigatory Powers Act 2016, it is concerned that the Investigatory Powers (Amendment) Bill fails to provide strict safeguards and oversight to ensure compliance with article 17 of the Covenant. In particular, the Committee is concerned that the Bill's regulation of bulk information has the potential to lead to the overly broad collection of personal data by the State party. The Committee is also concerned about information received indicating that the Data Protection and Digital Information Bill would establish new powers forcing banks to monitor the bank accounts of benefits claimants, and that overseas intelligence-sharing arrangements may enable foreign Governments with weaker privacy standards to gain or facilitate access to data from the State party's intelligence agencies, potentially resulting in violations of privacy rights under the Covenant. Furthermore, the Committee is concerned by reports indicating that the Online Safety Act 2023 undermines the right to freedom of expression by giving unchecked censorship powers to ministers (arts. 17 and 19).

51. **The State party should take all the measures necessary to guarantee the full enjoyment by everyone of the right to privacy and freedom of expression, in accordance with articles 17 and 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restrictions comply with the strict requirements of articles 17 and 19 (3) of the Covenant. In particular, the Committee urges the State party to ensure that proposals in the Investigatory Powers (Amendment) Bill and the Data Protection and Digital Information Bill apply strict safeguards and oversight, including judicial review, in compliance with international standards. It should ensure that its regulations relating to the intelligence-sharing of personal communications are in full conformity with the Covenant, in particular article 17, and that any interference with the right to privacy complies with the principles of legality, proportionality and necessity. It should adopt and effectively enforce measures to ensure that the Online Safety Act 2023 does not undermine the right to freedom of expression.**

#### **Right of peaceful assembly**

52. The Committee is concerned by recent legislation, including the Public Order Act 2023, that imposes serious and undue restrictions on the right of peaceful assembly, criminalizing various forms of peaceful protest, such as "locking on", creating protest banning orders, giving the Government powers to seek civil injunctions against peaceful protesters and allowing police forces to impose significant restrictions on protests deemed unduly disruptive. In particular, the Committee is concerned by allegations of excessive use of the Act to restrict civic space. The Committee is also concerned about the increased use by police forces of facial recognition technology to monitor peaceful gatherings (arts. 2, 17, 19, 21, and 26).

53. **In accordance with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should review and consider amending its legislation, including the Public Order Act 2023, to ensure that individuals fully enjoy their right of peaceful assembly and to guarantee that any restrictions of that right comply with the strict requirements of article 21 of the Covenant. It should ensure that**

individuals who exercise their right of peaceful assembly are not prosecuted and punished for exercising their rights, and that those detained are immediately released and provided with adequate compensation. Furthermore, the State party should end the use of facial recognition and other mass surveillance technologies by law enforcement agencies at protests, in order to safeguard privacy, non-discrimination, freedom of expression and association and assembly rights for protesters.

#### **Rights of the child**

54. The Committee welcomes the adoption of the Children and Education (Amendment) (Jersey) Law 2020, which established a ban on smacking, and the removal of the common law defence of “reasonable chastisement” of a child in Scotland and Wales. It is concerned, however, that a lack of an explicit prohibition on corporal punishment in the home remains in place in the United Kingdom and almost all its Crown dependencies and overseas territories, and that the legal defence of “reasonable punishment” remains in England and Northern Ireland. Furthermore, the Committee is concerned that the minimum age at which children can be held criminally responsible is set at 12 years in Scotland and the Bailiwick of Guernsey and is still set at 10 years in England, Northern Ireland, Wales, the Bailiwick of Jersey and the Isle of Man, that children aged 16 and 17 are routinely recruited into the armed forces and that there are reports of advertising and marketing of military service being aimed at children (arts. 7 and 24).

55. **The State party should:**

(a) **Enact legislation that explicitly and clearly prohibits corporal punishment of children in all settings, removing the common law defence of “reasonable chastisement”, throughout the United Kingdom, the Crown dependencies and overseas territories, and strengthen its efforts to encourage non-violent forms of discipline as alternatives to corporal punishment;**

(b) **Raise the minimum age of criminal responsibility, in accordance with internationally accepted standards, throughout the United Kingdom, the Crown dependencies and overseas territories, particularly in the above-mentioned areas;**

(c) **Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years and prohibit all forms of advertising and marketing of military service targeted at children.**

#### **Participation in public affairs**

56. The Committee regrets that the State party maintains legislation that denies prisoners serving a custodial sentence the right to vote (art. 25).

57. **Bearing in mind the Committee’s previous recommendation,<sup>11</sup> and in the light of the Committee’s general comment No. 25 (1996) on participation in public affairs and the right to vote, the State party should amend its legislation that denies any convicted prisoner the right to vote, with a view to ensuring its full compliance with the obligation of reformation and social rehabilitation set forth in article 10 (3), read in conjunction with article 25, of the Covenant.**

### **D. Dissemination and follow-up**

58. **The State party should widely disseminate the Covenant, the Second Optional Protocol thereto, aiming at the abolition of the death penalty, its eighth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating throughout the United Kingdom, the Crown dependencies and overseas territories, and the general public.**

<sup>11</sup> Ibid., para. 25.

59. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 29 March 2027, information on the implementation of the recommendations made by the Committee in paragraphs 11 (accountability for past human rights violations), 29 (counter-terrorism measures) and 41 (treatment of aliens, including migrants, refugees and asylum-seekers) above.

60. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its ninth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating throughout the United Kingdom, the Crown dependencies and overseas territories. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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