



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE SIXTH PERIODIC REPORT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OVERSEAS
TERRITORIES AND CROWN DEPENDENCIES OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND (CCPR/C/GBR/6)**

Constitutional and legal framework within which the Covenant is implemented (art.2)

1. Is the State party considering legislation to incorporate the International Covenant on Civil and Political Rights into domestic law, especially those provisions not covered by the Human Rights Act 1998? Does the State party envisage accepting the right of individual petition under the Optional Protocol to the International Covenant on Civil and Political Rights? (para.7 of the previous concluding observations and para.63 of the periodic report) Please also indicate whether the Covenant has been incorporated into the legislation of the Overseas Territories and whether its provisions can be invoked directly before the courts (para.23 of the concluding observations).
2. Please indicate whether the State party envisages withdrawing its reservations to articles 10, 12(1) and (4), 20, 24(3) and the general reservation on service discipline of members of the armed forces and prisoners. Following the request from the Bailiwick of Jersey that the State party withdraw the reservation to article 11, please indicate whether this request has been granted (para.32 of the periodic report).
3. Please indicate more clearly where the human rights situation in Northern Ireland differs from that applying in the rest of the United Kingdom. For example, what is the position in Northern Ireland in relation to racism in the police (para. 77 of the periodic report), the Commission for Equality and Human Rights (paras. 101, 233-235), and violence against women (para. 292).

Equal rights of men and women, measures to prevent discrimination (arts.3 and 26)

4. Please indicate what effects, if any, the Sex Discrimination (Election Candidates) Act 2002 has produced on the representation of women in public life (para.107 of the periodic report). What measures have been decided or are envisaged to increase the proportion of women holding judicial posts (para. 108)?
5. Please indicate what impact the use of stop and search powers, especially under the Terrorism Act 2000, has had on race relations (para. 77 of the periodic report). How does the State party justify the lack of a requirement of reasonable suspicion for the exercise of stop and search powers?
6. Please provide information on the implementation of the action plan "Implementing Race Equality in Prisons - A Shared Agenda for Change" (paras. 70-74 and 81-83 of the periodic report). Are there any plans to improve the investigation of race complaints by prisoners?

Right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

7. Please indicate whether the inquiries which have been established into the deaths of Robert Hamill, Billy Wright and Rosemary Nelson have been concluded and whether those responsible for these deaths have been prosecuted and punished. Have arrangements been made for the establishment of an inquiry into the death of Patrick Finucane on the basis of the new Inquiries Act 2005 (para. 11 of the previous concluding observations and para. 64 of the periodic report)? Please explain why this inquiry had to be conducted within the framework of this Act and whether the limitations allowed under the Act are compatible with article 6.
8. Please provide information on the use of Attenuating Energy Projectiles (AEPs) by police and army forces in Northern Ireland, and in particular on how many injuries have resulted from the firing of AEPs. Has the State party allowed the use of AEPs outside of Northern Ireland?
9. Following the killing of Jean Charles de Menezes on 22 July 2005, please clarify what measures have been implemented to clarify the circumstances of this incident and to ensure that it is not repeated (para.343 of the periodic report).
10. Following the decision of the House of Lords in *A (FC) and others (FC) v. Secretary of State for the Home Department* [2005] UKHL 71, please indicate what measures have been implemented to ensure that no evidence obtained under torture is used.
11. Please explain how the conclusion of Memoranda of Understanding on Deportation with Assurances ensures that the rights of suspected terrorists under that Covenant are fully respected (paras.55-57 of the periodic report). In the light of the recent decision of the Special Immigration Appeals Commission in *DD and AS v. Secretary of State for the Home Department* (SC/42 and 50/2005), does the State party envisage any changes to its policy of deporting suspected terrorists to countries with which Memoranda of Understanding on Deportation with Assurances have been concluded? In the light of the State party's interventions before the Grand Chamber of the

European Court of Human Rights in the cases *Ramzy v. The Netherlands* and *Saadi v. Italy*, please clarify the State party's position with regard to the removal of persons to countries where they would face treatment contrary to article 7 of the Covenant (paras.58 and 59).

12. Please indicate how the provisions of the Covenant are applied to persons who are taken into custody in British-run military detention facilities outside the United Kingdom and/or killed by British armed forces abroad (para. 59 of the periodic report). What measures have been adopted to establish prompt and independent investigations into alleged human rights violations and to ensure adequate reparations to the victims and their families?

Security of the person and the right not to be subjected to arbitrary detention (art.9)

13. Please explain how the extension of the maximum period of detention without charge of terrorist suspects under the Terrorism Act 2006 from 14 days to 28 days is compatible with the provisions of the Covenant (para.402 of the periodic report). Please also indicate how many people have been detained and charged more than 14 days after their arrest. Is there any evidence that this change has resulted in a higher conviction rate of terrorist suspects (para. 403)? Please provide details about any current Government plans to extend this period further to 56 days.

14. Please indicate how many control orders have been made under the Prevention of Terrorism Act 2005, what obligations they imposed and for how long. In the light of the decision of the Court of Appeal in *Secretary of State for the Home Department v. JJ and others* [2006] EWCA Civ 1141, please indicate how the control orders in question have been revised and explain to what extent these revised control orders are consistent with article 9 of the Covenant (para.44 of the periodic report). If the decision of the Court of Appeal is confirmed by the House of Lords, does the State party envisage making a declaration under article 4 of the Covenant in order to derogate from article 9 of the Covenant (para.43)?

15. Please indicate how many asylum- seekers have still been detained in prison after January 2002 and for what reasons (para.111 of the periodic report). Please also indicate whether asylum-seekers who are detained in removal centres, and in particular at Oakington reception centre, are informed promptly of the reasons for their detention, are given access to legal counsel of their choice and interpretation services (para. 366). What information is provided to them on the possibilities of applying for bail (para. 414)?

Treatment of persons deprived of liberty (art.10)

16. Please comment on the significance of the statistics released by the Home Office in October 2007 showing that 1,300 prison staff were found guilty of misconduct in the period 2000-2006. Please provide further information on the types of misconduct found to have existed and the range of punishments awarded. What measures of reform are planned?

Protection against arbitrary expulsion (art.13)

17. Considering that the Governor of the Cayman Islands can deport any person who is "destitute" or "undesirable", please clarify how these terms are interpreted and applied in practice? How many persons have been deported from the Cayman Islands and for what reasons? Please also indicate whether there is a right to appeal against a deportation order made by the

Governor (para.28 of the previous concluding observations and paras.132-134 of the periodic report).

Right to a fair trial (art.14)

18. Please explain why suspects may be detained for 48 hours without access to a lawyer under the Terrorism Act 2000. In how many cases have authorisations been granted to delay access to a lawyer and on what grounds (para.19 of the previous concluding observations and paras.120-121 of the periodic report)?

19. Despite anti-social behaviour orders (ASBOs) being civil orders, they can incur a criminal penalty if breached. Considering that breaches of ASBOs are punishable by up to five years in prison, please explain how the guarantees of article 14 are applied and how the possibility to incur a criminal record without actually having committed any recognisable offence is compatible with article 15. Please indicate how many children have been the subject of ASBOs and how many have been detained for breaching them. (para.722 of the periodic report). Since ASBOs can be imposed on children as young as 10 in England and Wales and 12 in Scotland, please explain why such children can be detained for breaching ASBOs.

20. While the use of “Diplock Courts” has been discontinued with the adoption of the Justice and Security (Northern Ireland) Act 2007, the same Act provides for a new system of non-jury trials in cases which are certified by the Director of Public Prosecutions for Northern Ireland (paras.118-119 of the periodic report). Please explain the difference between the Diplock Courts system and this new system. How does the State party justify the continuing distinction between Northern Ireland and the remainder of the United Kingdom in this respect? How many cases have been certified by the Director of Public Prosecutions for Northern Ireland under the Act since its entry into force on 1 August 2007?

Freedom of religion (art.18)

21. Please clarify the current state of the law of blasphemy and explain how it is compatible with the provisions of the Covenant.

22. Please comment on reports of the development and growth of Islamophobia in the State party.

Freedom of thought and expression (art.19)

23. Please indicate how many individuals have been prosecuted under section 1 of the Terrorism Act 2006 for “encouraging” acts of terrorism. Under this provision, there is no requirement for individuals to have any intention that criminal acts would be committed as a result. Please explain how this provision is compatible with the Covenant (para.636 of the periodic report).

24. Please comment on the recent high profile cases concerning incitement to racial hatred involving leaders of the British National Party, on the one hand, and Muslim protesters before the Danish Embassy in London, on the other (para. 106 of the periodic report). Are there any plans to review whether the law is applied consistently by the courts?

25. Please indicate how many times the Official Secrets Act 1989 has been used since 2001 against former State employees, journalists or television companies to prevent publication and

for what reasons. How does the Crown Prosecution Service take into account the issue of public interest before deciding whether to prosecute (para. 126 of the periodic report)?

26. Please comment on whether the law of actionable libel, as applied by the British courts, has an unduly chilling effect on the work of journalists and scholars and on the compatibility of that law with article 19 of the Covenant. In particular, does the absence of a doctrine of “malice” and the absence of a “public figure” exception deter vigorous public debate?

Freedom of association (art.22)

27. Please indicate whether and to what extent the laws to combat terrorism respect the provisions of the Covenant as regards freedom of association and freedom of expression.

Protection of children (art.24)

28. Please indicate how many children have been detained in immigration reception centres and for how long. Since the majority of these children are detained with their families, please specify whether the immigration reception centres where they are detained have suitable facilities to accommodate them. Please clarify whether any of these children have been detained in ordinary prisons (para.366 of the periodic report).

29. Please explain why the abolition of the status of illegitimacy in the Falkland/Malvinas Islands is not yet possible and when the State envisages reviewing the legislation to bring it into line with article 24 of the Covenant (para.30 of the previous concluding observations and para.135 of the periodic report).

Participation in public life (art.25)

30. Please indicate what measures have been implemented or are envisaged in order to ensure that convicted felons can exercise their right to vote, especially in the light of the judgement of the European Court of Human Rights in *Hirst v. United Kingdom* (para.69 of the periodic report)? Please explain why the Consultation Paper published by the Department of Constitutional Affairs in December 2006 explicitly rules out full enfranchisement as an option?

Dissemination of information regarding the Covenant (art.2)

31. Please indicate what steps the State party has taken to disseminate information about the submission of its sixth periodic report, its examination by the Committee and the Committee’s previous concluding observations on the fifth periodic report. Please also provide information about steps currently being taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and the public at large, including in the Overseas Territories and the Crown Dependencies.
