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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Forty-second session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 12 May 2009, at 3 p.m.

Chairperson: Mr. MARCHÁN ROMERO

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

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (E/C.12/GBR/5 and Add.1 and 2; E/C.12/GBR/Q/5 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.
2. Mr. RANGARAJAN (United Kingdom) said that the United Kingdom valued the work of the Committee highly and gave it serious consideration when developing policy. During the preparation of the State party's report (E/C.12/GBR/5), consultations had been held with civil society, including NGOs, national human rights institutions, academia and individuals concerned about rights. NGOs had welcomed the idea of more systematic and structured collaboration on the reporting process and on other international commitments, and action would be taken on that.
3. The United Kingdom had continued to make progress in key socio-economic areas since 2007, when the report had been produced, but the current economic climate had heightened the need to ensure that people's basic economic and social needs were fulfilled. In that context, the latest budget had included measures such as increased tax allowances and child benefits, one-off payments for pensioners, increased pension credits and further support for homeowners with mortgages who had lost their jobs. At the international level, the United Kingdom remained committed to providing overseas aid and working towards the Millennium Development Goals.
4. The Equality and Human Rights Commission, which had come into operation on 1 October 2007, brought together the work of the three existing commissions on equal opportunities, racial equality and disability rights, but with a broader brief taking in age, sexual orientation and religion or belief. That and the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission gave the United Kingdom a full complement of human rights commissions for its various jurisdictions, in accordance with the Committee's recommendations (E/C.12/1/Add.79, para. 28).
5. An equality bill had recently been introduced into Parliament which would extend protection from discrimination to include age, sexual orientation, religion or belief, gender reassignment and pregnancy or maternity. It would also make current equality legislation more accessible and understandable to those who could benefit from it and those who needed to comply with it. Further equality initiatives included the new Advisory Panel on Judicial Diversity and a Speaker's Conference to make recommendations for better reflecting cultural diversity and rectifying the disparity between the representation of women, ethnic minorities and persons with disabilities in the House of Commons and their representation in the general population, as well as a Panel on Fair Access to Professions, to identify barriers to entering the professions for people from various socio-economic backgrounds.

6. There had been increases in the minimum annual entitlement to paid leave, statutory maternity pay, adoption pay and maternity allowance. The national minimum wage had been increased in October 2008.
7. Education standards had risen at all levels and across all major ethnic groups and most of the achievement gaps between historically under-performing ethnic groups and the national average were closing. There was also a renewed focus on poor children, children with special educational needs and children looked after by a local authority.
8. There had been major progress in health care. The new National Health Service (NHS) Constitution was designed to renew and secure commitment to the enduring principles of the NHS, making sure that it remained relevant to the needs of patients, the public and staff.
9. The Government had recently launched a public consultation on a proposed bill of rights and responsibilities that would include provisions on key aspects of the welfare State, such as NHS entitlements, victims' rights, equality, good administration, children's well-being and sustainable development, in a new constitutional document that could help delineate shared rights and responsibilities more fully.
10. As to the possibility of a bill of rights for Northern Ireland, to be enacted by the United Kingdom Parliament, he said that the Northern Ireland Human Rights Commission had presented its advice, as it was required by statute to do, to the Secretary of State for Northern Ireland on the scope for defining rights supplementary to those in the European Convention on Human Rights. The United Kingdom Government would ensure that the public debate on a United Kingdom instrument would not detract from the process relating to a potential bill of rights for Northern Ireland.
11. Despite the significant progress that had been made to advance the principles and objectives set out in the Covenant, the Government acknowledged that there was room for improvement, and it continued to set challenging targets and to pursue a range of relevant measures, including legislation, policies and programmes, in that regard.
12. It was the Government's clear view that, for the United Kingdom, democratically elected representatives were better placed than the judiciary to make politically sensitive decisions on resource allocation. Parliamentary sovereignty remained the cornerstone of the United Kingdom Constitution. The State party's approach to social and economic rights reflected the fact that, although some rights required immediate realization, the obligation under the Covenant was one of progressive realization and Parliament remained the focus of the debate on how to achieve that.
13. At the same time, each of the United Kingdom's Overseas Territories, Crown Dependencies and Devolved Administrations was able to tailor its own legislation and practice according to its priorities on economic, social and cultural rights in a way that reflected local culture and local needs.
14. Mr. RIEDEL commended the State party on the structure adopted in its report (E/C.12/GBR/5), which the Committee had found helpful. He asked in what way the Government was improving the system of cooperation with NGOs on the reporting process.

15. With regard to political decisions on resource allocation, he pointed out that the Committee was not a judicial body but a body to monitor the implementation of the Covenant by States parties. Its task was not to usurp Parliament's role in taking decisions on resource allocation but to check that States parties met their binding international obligations by taking human rights commitments into account when making their policy choices.

16. In the course of the consultation on the proposed bill of rights it had become clear that the United Kingdom Government regarded economic, social and cultural rights, not as fully justiciable but as having merely declaratory effect, albeit with the possibility that they might be taken into account by courts in challenges to public authorities' decisions. Yet, according to information the Committee had received, large majorities of the population would wish to include economic, social and cultural rights in such an instrument and he wondered whether the United Kingdom Government was reconsidering its position.

17. Many of the proposals that had been incorporated into the Optional Protocol to the Covenant had clearly been influenced by United Kingdom common law and indeed by the United Kingdom's own position during consultations. It would therefore be logical for the State party to sign and ratify the Optional Protocol and he wondered whether it was giving serious consideration to that possibility.

18. Mr. PILLAY noted that, in its enquiry into the possible content of the bill of rights, the Parliamentary Joint Committee on Human Rights had considered the Covenant and made certain comments and recommendations. It had found that the Covenant rights were not adequately taken into consideration in developing Government policy and legislation. It had recommended that the Ministry of Justice and the Equality and Human Rights Commission should develop ways of measuring progress in implementing the Covenant rights. It had also suggested that any proposed legislation should be measured against the international standards established in the Covenant, and it had recommended that Covenant rights should be promoted and reinvigorated throughout the public sector. He would like to know whether those proposals had been taken into account.

19. It was disappointing and surprising that the written reply to the first item on the list of issues, on increasing awareness of the Covenant and its application in the public sector, was that awareness was already high. That was not the view of the United Kingdom's three human rights commissions, which had all found that greater awareness of economic, social and cultural rights was needed. Indeed, that view was supported by the opinion of the United Nations Human Rights Committee, which believed greater awareness of civil and political rights was required in the State party's judiciary.

20. Despite the Committee's recommendations, the State party still viewed the Covenant rights as principles or aspirations rather than enforceable rights. What was the Government doing to address the fact that the judicial process did not allow vulnerable groups to claim their rights because of the limited scope of legislation?

21. He asked why a single national human rights commission had not been established, when the three existing human rights commissions would welcome such a move.

22. He deplored the fact that, despite the Committee's recommendation, the corporal punishment of children in the home had not been prohibited. That suggested that the Government was not taking its obligations under the Covenant, or the recommendations of the Committee, seriously.

23. A bill of rights for Northern Ireland including economic, social and cultural rights was currently being prepared and he asked whether it would soon be enacted. He hoped that the Government would draft a similar bill of rights for the United Kingdom as a whole, under which economic, social and cultural rights would be justiciable and enforceable.

24. Mr. SCHRIJVER requested information on the impact of counter-terrorism laws and measures on the enjoyment of economic, social and cultural rights. Was there sufficient opportunity for judicial review of violations of economic, social and cultural rights and were effective remedies available? If that was the case, would the Government be prepared to sign the Optional Protocol to the Covenant?

25. Although it was important to encourage the concept of corporate social responsibility among British companies operating abroad, the Government was still responsible for ensuring that companies' actions did not violate human rights and he asked the delegation to comment in that regard.

26. He asked to what extent human rights, and in particular economic, social and cultural rights, were mainstreamed in the Government's international development policy.

27. Mr. KEDZIA welcomed the reassurances in the State party's report (E/C.12/GBR/5) regarding the importance of Covenant rights and the Government's willingness to study the constitutional practices of other countries with regard to the justiciability of Covenant rights. He asked whether the Government's perception of the Covenant's status might not result in the categorization of individuals, especially those in disadvantaged groups, as receivers of benefits rather than holders of rights.

28. The lack of direct applicability of international law at the domestic level should not be seen as an obstacle to recognition of an international complaints procedure such as the Optional Protocol to the Covenant. In fact accession to international settlement procedures could pave the way for the incorporation of international treaties into domestic law.

29. He asked whether effective legal assistance, with access to legal remedies was available to disadvantaged groups.

30. Mr. TEXIER asked why the Government had not ratified the revised European Social Charter and whether it envisaged doing so.

31. He asked the delegation to clarify whether the State party's reservation on article 6 meant that the Government could discriminate in relation to employment. He said that it was time to lift the reservation pertaining to article 7 (a) (i), on equal pay for work of equal value, which constituted gender discrimination.

32. He asked the State party to review its position on the justiciability of the Covenant and on signing the Optional Protocol. A right that was not justiciable was not a right, for it could not be claimed in the courts. The Government should accept its obligations under the Covenant.

33. The reasons given in the State party report as to why the Covenant rights could not be incorporated into the British legal order, seemed to suggest that the Government did not want the courts to enforce the Covenant rights, which, if that were the case, would conflict with its obligations under the Covenant.

34. Mr. ATANGANA said that the State party report revealed a certain confusion over the respective roles of courts and politicians in decisions on development policy, insofar as it advanced contradictory views on the status of the Covenant and the justiciability of Covenant rights. He asked whether any Covenant rights had been incorporated into domestic legislation. If so, had that legislation been invoked before the courts and with what outcome?

35. Mr. ABDEL-MONEIM asked what measures were applied to prevent violations of the economic, social and cultural rights of persons subject to emergency legislation or counter-terrorism laws.

36. He asked how the economic, social and cultural rights of persons in overseas territories such as the Sovereign Base Areas in Cyprus were addressed in the State party's reports.

37. The United Kingdom had made numerous declarations and reservations to the Covenant. He wondered whether that was consistent with the Vienna Declaration and Programme of Action, under which declarations and reservations should be kept to a minimum.

38. Referring to paragraph 54 of the periodic report (E/C.12/GBR/5), he noted the State party's clarification regarding its declaration on article 1, paragraph 3, of the Covenant, and asked what kind of conflict the Government might envisage between the Covenant and the Charter of the United Nations in relation to the State party's obligations in respect of overseas territories. With regard to the declaration on article 2, paragraph 3, he wondered what the implication was of declaring some of the British Overseas Territories as developing countries. With regard to the reservation on article 6, he asked what was meant by residency qualifications.

39. Lastly, he noted that, although under article 9 everyone had the right to social security, the United Kingdom Government reserved the right to postpone implementation of that right in the Cayman Islands and the Falkland Islands because of a shortage of resources in those territories. If there was a shortage of resources, was it not the Government's responsibility to remedy the situation?

40. Ms. BRAS GOMES said that the Government considered economic, social and cultural rights as part of the welfare state and not as enforceable rights. The recent green paper on rights and responsibilities focused primarily on the civil and political rights protected under the Human Rights Act, and although it touched on economic, social and cultural rights, it did not address them as required under the Covenant. What was preventing the Government from recognizing the universality and interdependence of economic, social and cultural rights, and civil and political rights at the practical level? What was the Government's understanding of the realization of the core content of each of the Covenant rights?

41. With regard to the human rights framework for urban regeneration projects in Northern Ireland, equality impact assessments were important as they addressed not only non-discrimination, but also substantive equality; however, they were a tool that was not being used sufficiently or effectively. The residents' jury on one project had made specific human rights recommendations, on the need for targeted policy measures for vulnerable groups, for example, yet, those proposals had not been taken on board at any stage of consultation to date. Did the Government recognize that the meaningful participation of the affected population was indispensable to the realization of human rights and, if so, was it planning to take that into account in the next phase of consultation?
42. She asked the delegation to give examples of how the Government had dealt with British companies operating abroad in relation to the protection of human rights.
43. Mr. ZHAN Daode said that the large, high-level delegation was testimony to the importance the State party attached to the Covenant. Although its report (E/C.12/GBR/5) was excessively long, it was well structured and provided excellent statistics.
44. He asked why the State party had not ratified parts VI, VIII and IX of the ILO Social Security (Minimum Standards) Convention, concerning benefits for employment injury, maternity and invalidity.
45. Mr. SADI, responding to the opening statement made by the head of the delegation, pointed out that the Committee's concluding observations constituted rather more than advice. He wondered what form the Government's consultations on the report with civil society had taken.
46. It would be interesting to learn whether the proposed bill of rights would strike a balance between individual and collective rights, particularly in terms of security. He asked which economic, social and cultural rights required immediate realization, in the State party's opinion.
47. It would be useful to know how the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission coordinated their work. He noted that the race relations Acts outlawed discrimination in all public authority functions with the exception, inter alia, of discrimination on grounds of nationality and ethnic or national origin in immigration and nationality functions. Was that exception consistent with the new equality bill and other legislation on non-discrimination?
48. Ms. BONOAN-DANDAN asked what steps the Government was taking to protect the economic, social and cultural rights of all migrant workers. She was especially concerned about the plight of seafarers from the Philippines hired by Philippine employment agencies to work on British or Irish commercial vessels. They reportedly worked for up to 72 hours with no breaks, had no right to holiday or overtime pay, and moreover were provided with transit visas only, which meant that those who complained risked losing their jobs and having to leave the country almost immediately. She asked whether the State party's legislation applied to those workers, and whether the Government treated them in practice as migrant workers.

49. She requested information on the whereabouts of the Chagos islanders who had become migrants when they had been removed from their homeland. She asked how the Government was currently protecting their economic, social and cultural rights, and what institutional measures had been introduced to address their needs. If they had received compensation, it would be useful to know whether it had been sufficient.

50. Ms. BARAHONA RIERA noted that, under the State party's declaration on article 1, paragraph 3, of the Covenant, in interpreting that provision the Charter of the United Nations would prevail over the Covenant. She would appreciate an explanation of the rationale for that declaration, especially given the possibility of the State party ratifying the Optional Protocol.

51. It would be interesting to hear the State party's comments on the recent controversy over potential changes to the criteria to be met by developing countries in order to qualify for loans from the International Monetary Fund.

52. She asked what position the State party took on ratification of the ILO Indigenous and Tribal Peoples Convention, especially following the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

53. She asked why the new equality bill included provisions on discrimination on grounds of maternity and pregnancy, and what affirmative action was included in that bill.

54. Mr. KERDOUN asked whether the intention was for the equality bill to become a law or a charter of recommendations. He wished to know whether the cultural diversity of the State party's population was reflected in the higher echelons of Government.

55. It was unclear whether the State party's assertion that international cooperation was not an international obligation constituted an effective guarantee of economic, social and cultural rights. He asked how the State party planned to promote sustainable development and poverty reduction on a basis of human rights, democracy, good governance and environmental protection over the next 5 to 10 years, and what role would be played by the countries the State party was assisting.

56. Additional information should be provided on the criteria countries were required to meet in order to receive assistance from the State party's Government. The delegation should indicate whether aid given to foreign governments was monitored to ensure that it was used for the intended purposes. He also wished to know whether the Government provided financial assistance directly to NGOs in developing countries and what role the State party would play in the New Partnership for Africa's Development (NEPAD).

57. Mr. MARTYNOV said that he also wished to voice his concern at the United Kingdom's regrettable insistence on maintaining its declarations and reservations to the Covenant, including the reservation to article 10 concerning paid maternity leave in Bermuda and the Falkland Islands.

The meeting was suspended at 4.55 p.m. and resumed at 5.15 p.m.

58. Mr. RANGARAJAN (United Kingdom) said that the Government took the Committee's advice on the fulfilment of its obligations under the Covenant and other international obligations extremely seriously. The term "advice" might not have the same connotations in all languages, but the Committee could rest assured that in preparing for dialogue with the Committee the Government placed the utmost importance on its conclusions and recommendations.

59. Ms. DAVIES (United Kingdom) said that her Government was committed as a matter of international law to the principle of the progressive realization of economic, social and cultural rights in its various jurisdictions, but traditionally, the United Kingdom's approach to giving effect to its international obligations had been not to incorporate them into domestic legislation, with notable exceptions. The Government had noted the Committee's regret at that situation, and took note of general comment No. 9 on domestic application.

60. The Government accepted that more must be done to make the language and text of the Covenant more widely known, but it was important to look at the United Kingdom's work to realize economic, social and cultural rights, and not only at legislative formalities. Ever since the foundation of the welfare State and the National Health Service, which predated the Covenant, the United Kingdom had been committed to the fundamental principles underlying the Covenant, while laws on racial discrimination had been in place since the 1960s.

61. Domestic legislation conferred a range of legally enforceable duties on public authorities and legally enforceable rights on individuals in the areas of health, education, housing, social security and equality. There were many ways of challenging the decisions of public authorities, whether through the system of tribunals, which the Government was currently simplifying, or through the judicial review system.

62. The green paper on rights and responsibilities was serving as a basis for consultation on economic, social and cultural rights. The paper recognized that those rights did not yet have the same status as civil and political rights and suggested that the Government might introduce new provision on equality, victims' rights, housing, health, children's rights and sustainable development, for example. The paper also suggested a range of options for upholding the Covenant rights, including making individuals' rights directly enforceable; the Government did not consider a new set of directly enforceable rights appropriate, however, in part because so many rights were already guaranteed under domestic legislation.

63. Mr. KISSANE (United Kingdom) said that the Government had, over the last six years, given considerable thought to the provision of human rights education. The Ministry of Justice had established a programme to raise awareness of human rights among public officials, under which over 150,000 copies of a handbook giving guidance on implementing human rights had been issued. The Government had also worked to counter misinformation on rights in the national press. In consultation with a number of NGOs it had developed a component on human rights for inclusion in the national education syllabus.

64. The frequency of recourse to the tribunals demonstrated that the general public really understood its rights, despite the claims of some NGOs to the contrary. The tribunals' remit was to help individuals uphold their rights and challenge Government decisions where rights were concerned. Many people applied to the tribunals every year, and they received a decision and redress more quickly than through the ordinary courts.

65. The Ministry of Justice was continuing to raise awareness and had, for example, put all the information relevant to its meetings with the Committee on its website. The Government would, however, appreciate the Committee's advice on how to improve its dissemination of information on human rights. In that regard he noted that the United Kingdom's three national human rights institutions would have a considerable role to play in human rights education, and he did not consider that the existence of three such institutions caused any structural weakness.

66. Ms. NELTHORP (United Kingdom) said that the United Kingdom's relationship with its overseas territories was based on partnership and underpinned by the principle of self-determination. All the territories had their own Constitution and domestic laws, and many had a substantial degree of responsibility for the conduct of their internal affairs. Human rights protection in the territories was thus primarily the responsibility of each Government.

67. The United Kingdom was currently helping the territories to carry out constitutional reviews, which among other things required a new chapter on fundamental human rights to be included in their Constitutions. In some territories, provision was being made for a human rights committee to receive and investigate complaints about violations of rights and freedoms under the Constitution.

68. It was clear that some of the United Kingdom's reservations needed review. She undertook to carry out such a review in conjunction with the territories and report her findings to the Committee. Her Government had not extended the application of the Covenant to the British Sovereign Base Areas in Cyprus and was of the view that the Covenant did not apply to the British Indian Ocean Territory. If, in future, that territory had permanent inhabitants, the issue would be reconsidered.

69. Ms. WARWICK (United Kingdom) said that her Government did not condone smacking children and wished to see smacking used only as a last resort, if at all. Although fewer parents than ever smacked their children, most were against a ban, as it could result in the criminalization of decent parents for administering a mild smack. The Government's approach, which had proved effective, was to help parents manage their children's behaviour by providing, for example, parenting classes. Section 58 of the 2004 Children's Act gave children greater protection than adults against assault without outlawing mild smacking. Parents causing physical injury to their children could be prosecuted, and could no longer use "reasonable punishment" as a defence for occasioning cruelty or actual or serious bodily harm.

70. Mr. LUXTON (United Kingdom) said that the Welsh Assembly was opposed to corporal punishment and was seeking ways to promote non-violent forms of discipline. A parental action plan had been developed and a series of booklets and parenting guides had been produced: the most recent booklet in the series was being distributed to all parents, and notably new parents.

71. Mr. OPPENHEIM (United Kingdom) said that counter-terrorism policy was specifically targeted at those who threatened the enjoyment of economic, social and cultural rights - and the lives - of members of the public. Although measures to curtail the activities of suspected terrorists inevitably had an effect on those individuals' rights, legal remedy was always available through judicial review or statutory rights of appeal. Persons detained under anti-terrorism legislation were held at independently inspected locations.

72. The United Kingdom's reservation on article 6 of the Covenant had been submitted simply to ensure that persons without the legal right to work in the United Kingdom could not interpret article 6 as granting them the right to work. Once immigrants had permanent resident status, they enjoyed the same legal protection and access to the job market as any citizen.

73. Lastly, although he recognized that there had been isolated incidents of the exploitation of seafarers, he said that national and local authorities took decisive action against any employers based in the United Kingdom found to be exploiting seafarers, regardless of the seafarers' nationalities.

74. Mr. STRUTT (United Kingdom), referring to the question of discrimination on grounds of nationality in immigration functions, said that discrimination legislation protected people from discrimination on grounds of a given characteristic, and that immigrants were equally protected under that legislation. Decisions under immigration legislation were taken on the basis of a person's immigration status, not any other characteristics.

75. Discrimination in the workplace on the grounds of pregnancy or of the fact of having children had been illegal in the United Kingdom for some 30 years, but the equality bill would also outlaw such discrimination outside the workplace. The bill also extended the rights of pregnant women and of parents following the birth of children, so that public authorities would be required to consider the impact of their policies and programmes on those groups.

76. Positive discrimination in the workplace was already possible; for example, businesses could advertise for candidates from underrepresented groups when recruiting. The equality bill would extend the law to ensure that, where two candidates were equally qualified for a job, the candidate from the underrepresented group could legitimately be appointed. The bill would also redress the gender and racial imbalance in the country's political structure, including by extending the period during which political parties could submit women-only shortlists for election to 2030 and introducing measures to promote the election of other underrepresented groups. Once the bill had been passed, guidance on its implementation would be provided to local authorities.

77. Mr. RANGARAJAN (United Kingdom), referring to the question of cultural diversity in the higher echelons of Government, said that progress had been made but further political and organizational changes were required to ensure further improvement. The current Speaker's Conference of Parliament, to which he had referred in his opening statement, was devoted specifically to the issue of minority representation in the Westminster Parliament. The Conference was not a governmental body but a body of Parliament itself, and would look at the entire spectrum of issues considered either to be discriminatory or to constitute covert barriers to the entry of minorities into Parliament. In a similar vein, the judiciary had constituted an independent panel to report on the changes that should be made to the entire judicial and legal career structure in order to ensure greater diversity. Currently magistrates and the junior judiciary were highly representative, but that was not the case for the senior judiciary.

78. Mr. KISSANE (United Kingdom) said that, while the Government was not opposed to the concept of individual communications being submitted to the United Nations treaty bodies, it had yet to be convinced of the added value of the United Nations complaints mechanism to the country's population. The treaty bodies were not courts and could not award damages or provide

a ruling interpreting the law. The United Kingdom, on the other hand, had strong and effective laws against discrimination and on promotion of rights, under which individuals could seek redress in the courts or in tribunals. Nevertheless, with a view to assessing the effectiveness of the complaints mechanism, the United Kingdom had ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2004. Only two complaints against the United Kingdom had been submitted to the Committee on the Elimination of Discrimination against Women, both of which had been found inadmissible. A domestic review of the usefulness of that Optional Protocol had been published in late 2008 and had found that there was not yet sufficient evidence to assess the value of the complaints system. The United Kingdom was still considering whether to sign the relevant optional protocols on a case-by-case basis and had, for example, announced its intention to sign the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The meeting rose at 6 p.m.