

Universal Periodic Review of the United Kingdom of Great Britain and Northern Ireland – May 2012

Submission by the
Equality and Human Rights Commission – (EHRC)
National Human Rights Institution of Great Britain
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The Equality and Human Rights Commission (EHRC) is a statutory public body established in 2007 to promote and protect human rights in Great Britain. The EHRC is one of the three A status National Human Rights Institutions (NHRI) in the UK.

This submission includes the EHRC independent assessment of human rights in England, Wales and Scotland (non devolved issues). It does not aim to be comprehensive but to provide an overview of: the human rights issues we believe to be salient in Britain today, human rights issues we have substantial and reliable evidence on and issues we believe we have a unique added value to raise given our powers, duties and scope of work. We commend the UK Government for advancing human rights in Britain and for its continuing and committed engagement with international human rights compliance mechanisms, including UPR. Whilst we recognise the achievements of the Government in strengthening protection of human rights and equality, we focus here on ongoing and new human rights challenges given the 2815 word count limitation of this submission. This is to encourage the Government to continue and strengthen its efforts to promote and protect human rights in Britain. The evidence base for this submission is composed *inter alia* of findings of our statutory reviews and statutory inquiries (under Section 12 and 16 of Equality Act 2006), parliamentary briefing on relevant legislation, statements to the UN Human Rights Council sessions and independent reports to international Treaty Bodies, including:

- The **Human Rights Review** to be published in early 2012
- [How Fair is Britain](#) 2010 – statutory review
- Inquiry into [Disability-related Harassment](#) October 2011 – statutory inquiry.
- Inquiry into the protection and promotion of human rights of [older people](#) in England who require or receive home-based care and support – 2010 – statutory inquiry.
- Inquiry into [recruitment and employment](#) in the meat and poultry processing sector (2010).
- [Gender discrimination](#) in the Finance sector 2010 – statutory inquiry.
- Inquiry into [Human Trafficking](#) in Scotland, November 2011 – statutory inquiry.
- [A/HRC/13/NI/4](#) EHRC Statement under item 6 to the 13th Session of the HRC on the United Kingdom's Mid Term Report of the Universal Periodic Review (2010).
- Information presented by the EHRC to the 13th 14th 15th 16th 17th 18th Sessions of the Human Rights Council (2010-2011).
- EHRC Submission on the United Kingdom's sixth periodic report under the [International Covenant on Civil and Political Rights](#) (2008).
- EHRC Submission on the United Kingdom's fifth periodic report under the [International Covenant on Economic Social and Cultural Rights](#) (2009).
- EHRC Submission to the United Nations [Committee on the Elimination of all Forms of Racial Discrimination](#) on the UK's 18th, 19th and 20th periodic reports (2011).
- EHRC Submission on the Sixth Periodic Report of the United Kingdom to the [United Nations Committee on the Elimination of all forms of Discrimination Against Women](#) (2008).
- EHRC Submission on the combined third and fourth periodic reports of the United Kingdom to the United Nations [Committee on the Rights of the Child](#) (2008).
- EHRC [Parliamentary Briefings](#) on relevant legislation (2010-2011).

I. Background and Framework

A. Scope of international obligations

1. EHRC recommends the Government:

- Ratifies the Convention on preventing and combating violence against women and domestic violence¹, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families², the Convention for the Protection of All Persons from Enforced Disappearances³ and the ILO Convention on Domestic Workers.
- Ratifies **optional protocols and individual petition mechanisms** of ICCPR⁴, ICERD⁵, UNCAT⁶ and protocols 4,7,12 of the ECHR⁷.
- Removes **reservations and interpretative statements** to ICCPR⁸, ICESCR⁹, ICERD¹⁰, CEDAW¹¹, CRPD, CRC¹² and relative optional protocols.
- Adopts **action plans** following Treaty Body examinations and UPR to ensure implementation and follow-up of outcomes.
- Lays the UPR outcome before Parliament and reports periodically on progress.

B. Constitutional and legislative framework

The EHRC welcomes:

¹ CAVHIO

² See A/HRC/8/25/Add.1 paragraph 20 and CEDAW/C/UK/CO/6 paragraph 299 and CRC/C/GBR/CO/4, paragraph 81.

³ See A/HRC/8/25/Add.1 paragraph 34 and CEDAW/C/UK/CO/6 paragraph 299 and CRC/C/GBR/CO/4, paragraph 81.

⁴ See CCPR/C/GBR/CO/6 paragraph C, 6), ICESCR (E/C.12/GBR/CO/5, paragraph 39)

⁵ Article 14, See CERD/C/GBR/CO/18-20 paragraph 31

⁶ Article 22 See CAT/C/CR/33/3 paragraph D 5p

⁷ European Convention of Human Rights

⁸ See A/HRC/8/25/Add.1. paragraph 17

⁹ See E/C.12/GBR/CO/5, paragraph 40

¹⁰ See CERD/C/GBR/CO/18-20 paragraph 11

¹¹ See CEDAW/C/UK/CO/6 paragraph 258

¹² See A/HRC/8/25/Add.1. paragraphs 2, 7, 25, CRC/C/GBR/CO4 paragraph 8

2. The establishment of a Commission to investigate the creation of a **Bill of Rights** (BoR).

In this process **EHRC recommends** the Government:

- retains the Human Rights Act (HRA) and ensures any BoR isn't brought into force unless it contains at least the same level of protection under the HRA;
- ensures all sectors of society are involved in the development of the BoR;
- takes this opportunity to promote understanding of the HRA and counter misperceptions of human rights.

3. The UK leadership in seeking **reform of the European Court of Human Rights** aimed to reducing case backlog and increase efficiency.

In this process **EHRC recommends** that Government proposals:

- reaffirm the right to individual petition;
- reaffirm the role of the Court as primary guarantor of Convention rights;
- strengthen national implementation;
- do not unduly restrict the margin of appreciation of the Court;
- do not introduce barriers such as fees.

4. The adoption of the **Equality Act 2010**.

EHRC recommends the Government:

- brings into force all its provisions¹³;
- ensures there is no regression on equality protections in the context of austerity measures and regulation reforms¹⁴.

5. The Welsh Government's introduction of legislation¹⁵ requiring Welsh Ministers to have **due regard to the UNCRC** when taking strategic decisions and exercising functions.

EHRC recommends the Government: considers extending this model to England as a first step in strengthening protection of children's rights, not precluding the future incorporation of CRC.

¹³ The Government announced it will not bring into force some of the EA provisions including dual discrimination, third party harassment, socio-economic duty, equal pay reporting and diversity in political parties

¹⁴ See CERD/C/GBR/CO/18-20 paragraph 13

¹⁵ Rights of Children and Young Persons Measure 2011

C. Institutional and human rights infrastructure

6. EHRC welcomes the Government's assurances any **reforms to EHRC** powers and mandate will not impair its ability to comply with the Paris Principles. EHRC feels the recent Consultation on its reform provides an opportunity to strengthen the EHRC, including through granting the power to support strategic human rights cases, enhancing its accountability to Parliament and regular scrutiny by Select Committees. In its response to the Consultation, EHRC raised some concerns with Government and looks forward to a positive outcome of the Consultation process¹⁶.

II. Promotion and protection of human rights on the ground

B. Implementation of international human rights obligations taking into account applicable international humanitarian law

Equality and non discrimination:

7. EHRC welcomes the adoption of the Equality Act 2010 but is concerned inequalities in the enjoyment of the **right to health, education and employment** persist and that austerity measures adopted in response to the current economic downturn may regress the realisation of these rights. EHRC evidence suggests geographical location and socio-economic status are key determinants good health¹⁷. Educational outcomes differ markedly by gender, socio-economic group, ethnicity and disability. Disabled people and ethnic minority women having substantially lower chances to participate in the labour market. Inflexible family leave policies and unavailability of childcare hamper men and women's ability to combine work and family life. Inflexible working practices impede greater labour market participation of older and disabled people¹⁸.

¹⁶ See [our response to the Consultation](#): Building a fairer Britain - Reform of the Equality and Human Rights Commission, the [Public Bodies Bill parliamentary briefing](#) and correspondence between Home Office Minister and the Chair of the International Coordinating Committee of NHRI in annex to the public bodies bill parliamentary briefing

¹⁷ See A/HRC/8/25/Add.1 paragraph 23 and E/C.12.GBR/CO/5 paragraphs 18, 19, 21, 32, 33, 36 and CERD/C/GBR/CO/18-20 paragraphs 25 and 27 and CEDAW/C/UK/CO/6 Paragraphs 286, 287, 292.

¹⁸ See EHRC Working Better project reports

http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf

http://www.equalityhumanrights.com/uploaded_files/publications/workingbetter_over_50s.pdf

http://www.equalityhumanrights.com/uploaded_files/research/working_better_childcare_matters.pdf

EHRC recommends the Government:

- tackles inequalities in society through policy interventions including temporary special measures;
- assesses and limits the impact of austerity measures on disadvantaged groups.

Right to life, liberty and security of the person

8. EHRC welcomes reform of the stop and search powers under S44 Terrorism Act following the Gillan and Quinton v UK case in the European Court of Human Rights¹⁹. EHRC believes it is essential for reforms to fully comply with the judgment.

EHRC is concerned with the use of stop and search powers under Section 60 of the Criminal Justice Public Order Act as it also doesn't require police officers to have reasonable suspicion. The EHRC has raised this issue with Government and Police Forces and is considering challenging this power in the courts.

EHRC is concerned with the use of use of stop and search at ports and airports under Schedule 7 of the Terrorism Act (TA) as this may be unlawful and may impact disproportionately on Muslim communities²⁰.

EHRC is concerned with the increased use and disproportionality in the use of stop and search powers more generally²¹.

EHRC recommends the Government:

- abolishes Section 60 stop and search powers and/or takes steps to reduce its disproportionate use;

¹⁹ See <http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=81882827&skin=hudoc-en&action=request>

²⁰ See EHRC Research Report [The impact of counter-terrorism measures on Muslim Communities](#) Spring 2011

²¹ Since 2003 there has been a considerable increase the use of stop and search of Black and Asian people. Black people were 26.6 times more likely and Asian people 6.3 times more likely to be stopped and searched than white people under s. 60 CJPOA. Between 2006/7 and 2007/08 the numbers of stops and searches under s.44 TA rose by 322% for black people and 277% for Asian people compared with 185% for white people. See EHRC list of themes submitted to CERD in July 2011 and the [EHRC Submission](#) to the United Nations Committee on the Elimination of all Forms of Racial Discrimination on the UK's 18th, 19th and 20th periodic reports, August 2011. Also see CERD/C/GBR/CO/18-20 paragraph 18 as well as CCPR/C/GBR/CO/6 Paragraph 29

- reviews the use of Schedule 7 stop and search providing greater details as to its use, and proposing better accountability and oversight.

9²². EHRC welcomes the Bradley Review of people with mental health problems or learning disabilities in the criminal justice system²³ and the Government's response to its recommendations. EHRC is however concerned with continuing **overcrowding in prisons**²⁴ and the numbers of ethnic minorities, women²⁵ and people with disabilities (especially learning disabilities) detained²⁶.

EHRC recommends the Government:

- increases the availability of alternatives to detention especially for women and disabled prisoners and strengthens support in prison;
- strengthens safeguards for prisoners at risk of suicide and self harm including ensuring adequate risk assessment processes are in place²⁷.

10. EHRC welcomes the Government's announcement it will end detention of children for immigration purposes. EHRC is however concerned with safeguards of the detained **fast track system** for individuals pending asylum decisions²⁸ and the length of time people can spend in detention awaiting removal.

The EHRC recommends the Government:

- reviews the use of fast-track applications and increases transparency²⁹;
- reduces the length of detention and reviews the conditions of detention in IRC³⁰;
- strengthens provision of mental health and interpretation services;
- ensures implementation of measures to avoid detention of vulnerable people including those who have been tortured³¹.

²² This section applies to England and Wales only

²³ See

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098694

²⁴ See A/HRC/8/25/Add1 paragraph 1

²⁵ See CEDAW/C/UK/CO/6 paragraph 267

²⁶ See CAT/C/CR/33/3 paragraph C g

²⁷ See EHRC *Human Rights Review*, forthcoming

²⁸ See A/HRC/8/25/Add1 paragraph 1, 20

²⁹ See CCPR/C/GBR/CO/ paragraph 21

³⁰ Immigration Removal Centres.

³¹ See EHRC *Human Rights Review*, Chapter 5 forthcoming

11³². EHRC welcomes the Government's programme to enhance safeguards for children³³ in **young offenders' institutions**. The EHRC hopes to see an improvement in the conditions of detention for children³⁴.

The EHRC recommends the Government:

- works to improve conditions in the youth justice system, in particular increasing the quality of risk assessment and mental health provision;
- limits the use of restraint to last resort and exclusively to prevent harm to the child or others³⁵;
- publishes data on use and number of injuries and deaths resulting from restraint in each of the institutions as well as outcomes of investigations;
- investigates causes of deaths of children in custody and strengthens investigations to ensure they are independent, public and thorough³⁶.

12. The EHRC welcomes the Detainee Inquiry chaired by Lord Gibson to investigate allegations of complicity in **torture** of prisoners and civilians held by foreign agencies in the aftermath of 9/11³⁷. EHRC believes that the terms of reference and protocols for this Inquiry should fully comply with international standards for inquiries of this nature.

EHRC recommends the Government:

- permits full participation of victims in proceedings;
- allows for decisions relating to disclosure of information to be made by the Inquiry panel rather than by Government.

EHRC welcomes the establishment of the Baha Mousa Inquiry, Al Sweadi Inquiry and the Iraqi Historic Allegations Team to investigate allegations of torture and ill treatment of detainees in Iraq by UK forces³⁸ but is concerned these measures fall short of a full public inquiry.

EHRC recommends the Government launches a full public inquiry into all allegations of ill treatment in Iraq.

³² This paragraph applies to England and Wales only

³³ See Youth Justice Board Update on the Strategy for the Secure Estate for children and young people

³⁴ See A/HRC/8/25/Add.1, paragraph 18, 25 and CRC C/GBR/CO/4 paragraph 78

³⁵ See CRC/C/GBR/CO/4, paragraph 39

³⁶ See EHRC *Human Rights Review*, forthcoming

³⁷ See CAT/C/CR/33/3 paragraph D5f

³⁸ CCPR/C/GBR/CO/ paragraph 12, 13, 14

13. EHRC welcomes the Government announcement it will publish a hate crime action plan and will consider the findings of the EHRC Disability Harassment Inquiry therein. EHRC wants to ensure Public Authorities fully meet their positive duty to prevent, respond to and provide remedy to **violence against women, disabled people and children**³⁹. EHRC evidence indicates mechanisms to investigate and learn from serious cases of ill-treatment may not be sufficient, and agencies do not always work together effectively. Availability of services for rape and domestic violence is not uniform and there is a lack of specialised services for BME⁴⁰, disabled women and victims of trafficking. Police forces do not systematically investigate rape and domestic violence and there are low prosecution and conviction rates for rape and harassment.

EHRC recommends the Government:

- tackles identity-based violence;
- signs and ratifies CAVHIO;
- implements the recommendations of the EHRC Disability Harassment Inquiry⁴¹.

14⁴². The EHRC is concerned that as recipients of health and social care, older people may experience violations of human rights due to poor treatment. People whose home care is delivered by private providers⁴³ do not have the same level of direct protection under the HRA as those receiving it from public bodies or in publically funded residential care settings. EHRC wishes to ensure authorities take into account their positive obligations to promote and protect human rights when commissioning care, including from private providers. EHRC feels better regulation inspections of all care providers, including home care, are needed.

EHRC recommends the Government:

- extends protection afforded by the HRA and EA⁴⁴ to all publically funded care providers.
- implements recommendations of the EHRC inquiry into the human rights of older people in care⁴⁵;

³⁹ See A/HRC/8/25/Add.1 paragraph 9, 10 and CEDAW/C/UK/CO/6 paragraph 273, 281, E/C.12/GBR/CO/5 paragraph 24, CRC/C/GBR/CO/4, paragraph 43, 50

⁴⁰ Black and Ethnic Minority women

⁴¹ http://www.equalityhumanrights.com/uploaded_files/disabilityfi/dhfi_exec_summary_final.pdf

⁴² This paragraph applies to England and Wales only

⁴³ That is 85% of publically funded home care according to 2010 data. The percentage is likely to rise in future years

⁴⁴ Equality Act 2010

Administration of Justice, including impunity and the rule of law

14⁴⁶. The EHRC recognises the Government’s substantial investment in the provisions of legal services but is concerned with current proposals for **legal aid reform**. Reforms should not unduly restrict the scope of provision for civil legal aid as this would have a chilling effect on access to justice for the most vulnerable. Removal of areas of social welfare law from the legal aid scheme (including welfare benefits, non-domestic violence family cases and non-detention immigration cases) may impact disproportionately on disabled people, women, children, and ethnic minorities. Removal of non-discrimination related employment cases may still affect remedy for workplace discrimination.

EHRC recommends the Government: takes steps to limit the disproportionate impact of reforms on access to justice, particularly for vulnerable groups.

Right to privacy, marriage and family life

15. EHRC is concerned reforms on **family migration rules** may negatively impact on vulnerable individuals, especially women⁴⁷. The extension of the probatory period from 2 to 5 years may disproportionately impact women in abusive relationships who may feel unable to leave the relationship due to insecure migration status. The “no recourse to public funds” principle may also mean they are unable to access help.

EHRC recommends the Government: reviews immigration reform proposals to ensure they do not infringe human rights standards and are adequately assessed for impact on vulnerable individuals.

16. EHRC welcomes the government’s reforms aimed at safeguarding privacy. EHRC believes the current legal framework for protecting **information privacy** would benefit from reform to increase its coherence, its ability to respond to fast changing technological developments and stronger mechanisms to adequately detect and redress privacy breaches. The EHRC is also concerned with regards to the national DNA database⁴⁸ where there are disproportionate numbers of ethnic minority and young people⁴⁹.

⁴⁵ Forthcoming, see <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/> for details

⁴⁶ This paragraph applies to England and Wales only

⁴⁷ See E/C.12.GBR/CO/5. Paragraph 26, CEDAW/C/UK/CO/6 paragraph 295, 296

⁴⁸ NDAD

⁴⁹ See CRC/C/GBR/CO/4 Paragraphs 36 and 37

EHRC recommends the Government:

- reviews existing information protection legislation in a comprehensive manner;
- further regulates the use of CCTV;
- empowers and resources relevant regulators to protect privacy;
- reforms the NDAD to remove all non-convicted individuals⁵⁰.

Freedom of religion, belief, expression, association and peaceful assembly and right to participate in public and political life

17⁵¹. With regards to freedom of association and peaceful assembly⁵² **EHRC recommends the Government:**

- restricts to exceptional circumstances the use of “kettling”, the use of overt and covert surveillance of protestors, the use of pre-emptive measures and banning orders;
- provides better guidance of police officers on the use of force during demonstrations;

Right to work and to just and favourable conditions of work

18. The EHRC welcomes S 77 of the EA limiting enforceability of pay secrecy clauses and the Government’s proposals to extend the powers of employment tribunals to require employers who’ve been found discriminating on pay to conduct equal pay audits, but remains concerned that progress in reducing the gender pay gap has considerably slowed⁵³.

The EHRC recommends the Government: encourages good equal pay practice through policy measures and if necessary legal requirements.

Right to social security and adequate standard of living

19. EHRC welcomes the Government’s commitment to fairness in reforming the welfare system but is concerned that current plans for **welfare reform** may unfavourably impact on vulnerable people, especially disabled people.

⁵⁰ See our response to the Protection of Freedom Bill:
<http://www.equalityhumanrights.com/legal-and-policy/parliamentary-briefings/briefing-protection-of-freedoms-bill/>

⁵¹ This paragraph applies to England and Wales only

⁵² A/HRC/8/25/Add.1 paragraph 19

⁵³ See E/C.12.GBR/CO/5 paragraph 18 and CEDAW/C/UK/CO/6 paragraph 292, 294

Proposals to assess individuals' ability to work before granting benefits may advance a medical model of disability, which would run counter to a more inclusive social and accessibility based approach. Removing the mobility allowance for people in residential homes may impair disabled people's independence and autonomy.

EHRC recommends the Government: ensures welfare reforms do not disproportionately affect vulnerable people and regress enjoyment of rights to social security provision.

20. EHRC is concerned about the ability of **transgender people** to fully enjoy their right to health. EHRC⁵⁴ evidence indicates weaknesses in the current design and delivery of gender reassignment services and geographically patchy provision.

EHRC recommends the Government: ensures consistent and accessible care to Trans people.

Right to education and to participate in the cultural life of the community

21⁵⁵. EHRC is concerned with the extent and severity of **bullying in schools** and how it affects health and educational outcomes of disabled and LGBT⁵⁶ individuals.

EHRC recommends the Government: provides for recording and reporting of incidents and provides extensive guidance for schools and local authorities on prejudice based bullying.

Minorities and indigenous people

22. EHRC believes there is a need to enhance the ability of Gypsies and Travellers to enjoy their human rights. EHRC evidence suggests that lack of suitable accommodation is the lynchpin of inequalities experienced by these communities, including poor health, poor educational outcomes, low level of participation in employment and civic and political life⁵⁷.

⁵⁴ The EHRC recently conducted a review of availability of gender reassignment services in England http://www.equalityhumanrights.com/uploaded_files/trans/nhs_grs_2011.doc

⁵⁵ This paragraph applies to England and Wales only

⁵⁶ Evidence shows that key to tackling bullying are teachers' understanding of diversity, local authorities and school knowledge of the extent and reasons for bullying and whole school preventative measures. See CRC/C/GBR/CO/4, paragraph 67 f, CERD/C/GBR/CO/18-20 paragraph 23

⁵⁷ See E/C.12.GBR/CO/5 Paragraph 30, 36 and CRC/C/GBR/CO/4 paragraphs 65 d, 25 b and CEDAW/C/UK/CO/6, paragraph 294 and CERD/C/GBR/CO/18-20 paragraph 24 and 27

EHRC recommends the Government: implements relevant Concluding Observations in CERD⁵⁸.

Migrants, refugees and asylum seekers

23. EHRC is concerned about the condition of employment of **migrant workers**. An EHRC inquiry into the meat packing industry⁵⁹ found they were particularly vulnerable to poor employment practices. Workers reported racial discrimination, harassment and criminal exploitation. Further concerns include: health and safety, particularly of pregnant workers, non-compliance of licensing laws with respect to payment of wages, tax and national insurance.

EHRC recommends the Government: adequately empower relevant regulators⁶⁰ to protect vulnerable workers and enforce employment law.

24. EHRC welcomes the Government's and the establishment of a National Referral Mechanism⁶¹ for victims of **trafficking**⁶². EHRC is concerned about the lack of data and investigations into trafficking, specifically for forced labour, and wishes to see authorities better equipped to recognise people that may have been trafficked and avoid their criminalisation. EHRC is concerned with protection of migrant domestic workers who may be particularly vulnerable to domestic servitude and forced labour. Low levels of awareness among officials and proposed changes in the visa requirements may make it more difficult for them to find protection.

EHRC recommends the Government:

- reviews trafficking legislation and policy to ensure victims are identified and adequately supported;
- signs and ratifies the Domestic Workers Convention.

Human Rights and counter-terrorism

⁵⁸ CERD/C/GBR/CO/18-20 paragraph 27

⁵⁹ Inquiry into the recruitment and employment in the meat and poultry processing sector found migrant workers (around 70 per cent of workers in that industry)
<http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/the-inquiry-report/>

⁶⁰ For example the Gangmasters Licensing Authority

⁶¹ See <http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism>

⁶² The EHRC will publish on the 28th of November an inquiry into human trafficking in Scotland with detailed evidence and recommendations. We'll share as soon as it is available. See also CEDAW/C/UK/CO/6, paragraph 283 and CRC/C/GBR/CO/4, paragraph 76.

25. EHRC welcomes the Governments **review of counter terrorism** measures⁶³ but remains concerned there are still significant measures for those suspected of terrorist offences that operate differently and with fewer protections to other criminal offences.

EHRC recommends that the usual criminal law applies to those suspected of terrorist offences.

26. EHRC welcomes the reduction in **pre-charge detention** of terrorist suspects to a maximum of 14 days⁶⁴.

EHRC recommends that periods for pre-charge detention be further reduced.

27. EHRC is concerned about the use and expansion of use of **closed material, secret evidence and special advocate procedures**. Special advocates are appointed by Government rather than an independent judicial body. There is little consultation between client and special advocate and little information is disclosed to the client. This restricts the ability of the client to know and challenge the case against them.

EHRC recommends the Government: restricts secret proceedings to exceptional circumstances.

28. EHRC is concerned with the proposals to replace **control orders with Terrorism Prevention and Investigation Measures**⁶⁵ as the TPIM process may not allow controllees to fully exercise fair trial rights⁶⁶.

EHRC recommends the Government: reconsiders the necessity of TPIMs and amends them to ensure the order is made by a Court rather than Government.

⁶³ See A/HRC/8/25/Add.1 paragraph 8 and CAT/C/CR/33/3 paragraph C 4, c D 5 g, h and CRC/C/GBR/CO/4, paragraph 77 h 78 f

⁶⁴ See A/HRC/8/25/Add.1 paragraph 4, 15, 19 and CCPR/C/GBR/CO/ paragraph 15, and CAT/C/CR/33/3 paragraph C 4 e

⁶⁵ See A/HRC/8/25/Add.1 paragraph 8 and CERD/C/GBR/CO/18-20 paragraph 21 and CCPR/C/GBR/CO/ paragraph 17

⁶⁶ TPIMs can be made by the Home Secretary, subject to limited review by the Courts. The Court process for review involves the use of secret evidence and the special advocate procedure.