Equality and Human Rights Commission submission to the UN Committee against Torture 57th session on the sixth periodic report of the UK on compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
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Introduction

1. The Equality and Human Rights Commission (EHRC) is one of the United Kingdom’s (UK’s) three ‘A’ status accredited National Human Rights Institutions (NHRIs). The EHRC’s jurisdiction covers England and Wales and also Scotland in relation to matters that are reserved to the UK Parliament. The EHRC’s remit does not extend to Northern Ireland, which is therefore outside the scope of this report. The Northern Ireland Human Rights Commission (NIHRC) has made a separate submission.

2. This initial submission addresses six key issues which we recommend as priorities for inclusion in the list of issues for the UK:

   - incorporation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) into domestic law: the proposed British Bill of Rights (Article 2)
   - British Forces abroad (Article 2)
   - detention and asylum (Articles 11 and 16)
   - highest attainable standard of health (Articles 11 and 16)
   - human trafficking and modern slavery (Articles 2, 12, 13 and 16), and
   - violence against women and girls (Articles 2, 12, 13 and 16).

3. The EHRC will provide the Committee against Torture (‘the Committee’) with a more detailed submission in March 2016.

Incorporation of UNCAT into domestic law: the proposed British Bill of Rights (Articles 1 and 2)

4. In 2013, the Committee noted that the Human Rights Act 1998 incorporates the European Convention of Human Rights (ECHR), including the prohibition of torture or inhuman or degrading treatment or punishment, into domestic legislation. However, the Committee noted that ‘incorporation of the Convention against Torture into the State party’s legislation and adoption of a definition of torture in full conformity with article 1 of the Convention would strengthen the
5. The Committee also stated that it was concerned by negative criticisms of the Human Rights Act 1998 by public figures. The Committee concluded that the UK should ensure that public statements or legislative changes, such as the proposed establishment of a Bill of Rights, did not ‘erode the level of constitutional protection afforded to the prohibition of torture, cruel, inhuman or degrading treatment or punishment currently provided by the Human Rights Act.’


7. The EHRC considers the Human Rights Act 1998 to be well-crafted and reflective of and embedded in the constitutional arrangements for the UK. Changing our human rights laws would have significant constitutional and social consequences, and should only be considered as part of a broad and participative public process.

8. While the UK Government is yet to publish its consultation document, it is likely to consider the extent of the jurisdiction of the state’s human rights obligations, for example the applicability to actions of British Forces abroad. The EHRC agrees with the Committee’s interpretation of the extent of the jurisdiction of UNCAT as expressed in its General Comment No 2: ‘the Convention protections extend to all territories under the jurisdiction of a State party and [this Committee] considers that this principle includes all areas under the de facto effective control of the State party’s authorities.’

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1 UN Committee Against Torture, Concluding observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013), para 7. Available at: http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/un-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment [accessed: 1 February 2016]

2 UN Committee Against Torture, Concluding observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013), para 8.

3 This consultation is scheduled for 2016. Revised transcript of evidence taken before the Select Committee on the Constitution, oral evidence session with the Rt. Hon. Michael Gove, Lord Chancellor and Secretary of State for Justice, 2 December 2015. Available at: http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/ [accessed: 1 February 2016]


9. Recommendation: The Committee should ask the UK Government to outline the likely impacts of any changes to the legal framework on the human rights protections set out in the UNCAT, including the extent of their jurisdiction.

British Forces abroad (Article 2)

Detainee inquiry

10. In 2010, Prime Minister David Cameron announced an inquiry into the treatment of detainees held by other countries, stating ‘in answer to why there is an inquiry rather than the Intelligence and Security Committee (ISC) doing the job, the inquiry will be led by a judge and will be fully independent of Parliament, party and Government. That is what we need to get to the bottom of the case.’ On 18 January 2012, the then Justice Secretary Kenneth Clarke stated that ‘further police investigations into the Libyan allegations may take some considerable time to conclude’ and ‘following consultations with Sir Peter Gibson, the chair of the Inquiry, we have decided to bring the work of his Inquiry to a conclusion.’ It was agreed that the inquiry would provide the UK Government with a report on its preparatory work to date, highlighting particular themes or issues that might be the subject of further examination.

11. In 2013, the Committee recommended the UK Government ‘establish without further delay an inquiry on alleged acts of torture and other ill-treatment of detainees held overseas committed by or at the instigation of or with the consent or acquiescence of British officials.’ The UK Government should ensure that the new inquiry is ‘designed to satisfactorily address the shortcomings of the “Detainee Inquiry” identified by a broad range of actors.’ The Committee


6 Prime Minister David Cameron, 6 July 2010. Available at: [http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100706/debtext/100706-0001.htm#10070631000625] [accessed: 3 February 2016]

7 Justice Secretary Kenneth Clarke, 18 January 2012. Available at: [http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120118/debtext/120118-0001.htm] [accessed: 1 February 2016]

8 Justice Secretary Kenneth Clarke, 18 January 2012. Available at: [http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120118/debtext/120118-0001.htm] [accessed: 1 February 2016]
encouraged the UK ‘to give due consideration to the report of the UN Special Rapporteur on Torture on best practices for commissions of inquiry into allegations of this nature (A/HRC/22/52).’

12. In December 2013, the Detainee Inquiry published a report on its preparatory work. The UK Government announced the same day that the Prime Minister had ‘discussed and agreed with the Intelligence and Security Committee of Parliament that it will inquire into the themes and issues that Sir Peter has raised, take further evidence, and report to the Government and to Parliament on the outcome of its inquiry. Additional resources will be provided to the Committee to undertake that work.’

13. In 2015, the UN Human Rights Committee stated that it was ‘concerned about the slow progress in proceedings before the Intelligence and Security Committee of Parliament (ISC) in relation to the Detainee Inquiry and also the adequacy of the ISC as an investigation mechanism, given concerns about its independence from the executive power and the power of the government to withhold sensitive information from it.’

14. In October 2015, the ISC stated that the inquiry into the role of the UK Government and Security and Intelligence Agencies in relation to detainee treatment and rendition was its ‘longer-term priority.’ On 15 December 2015, the EHRC and NIHRC wrote to the Chair of the ISC noting that we consider it vital that ‘a properly resourced inquiry is carried out within an expedited timetable.’ We received a response on 16 December, which noted that ‘whilst the Committee will make every effort to report in a reasonable timeframe, we can only do so once we have considered all of the evidence…it is preferable for us to

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10 The Detainee Inquiry, About the inquiry. Available at: http://www.detaineeinquiry.org.uk/about/index.html [accessed: 3 February 2016]

11 Secretary of State for Justice Kenneth Clarke, 19 December 2013. Available at: http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131219/debtext/131219-0002.htm#131219-0002.htm_spmin0 [accessed: 3 February 2016]


take our time and follow the evidence rather than rush to meet a particular deadline’ (see Appendix 1).

15. **Recommendation: The Committee should ask the UK Government to outline what actions it is taking to ensure the allegations of complicity of British military personnel, security and intelligence services in the ill-treatment of detainees and civilians overseas are being investigated within a reasonable timeframe. It should state when the ISC will report and what resources are devoted to this work.**

**Iraq Historic Allegations Team**

16. In 2013, the Committee noted the establishment of the Iraq Historic Allegations Team (IHAT), which was set up in 2010 to investigate allegations of abuse of Iraqi citizens by British Service personnel. The Committee was concerned that IHAT’s ‘composition and structural independence’ was ‘challenged, as close institutional links with the Ministry of Defence remain.’ The Committee also noted its deep concern that ‘to date, there have been no criminal prosecutions for torture or complicity in torture involving State’s officials, members of the security services or military personnel, although there have been a number of court martials of soldiers for abuses committed in Iraq against civilians.’ The Committee urged the UK to ‘take all necessary measures, including setting up a single, independent public inquiry, to investigate allegations of torture and cruel, inhuman or degrading treatment or punishment in Iraq from 2003 to 2009, establish responsibilities and ensure accountability.’

17. In 2015, the UN Human Rights Committee expressed its concern about ‘the slow progress of the Iraq Historical Allegations Team (IHAT) and the very small number of criminal proceedings completed so far.’

18. The IHAT updated the information on its website about its investigations in November 2015. As of 30 September 2015, the total number of victims allocated

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to the IHAT for investigation had risen to 1514.\textsuperscript{16} The EHRC does not consider current progress to be consistent with the prompt investigative duty under Articles 2 and 3 of the ECHR. As of the November 2015 update, IHAT had still only completed investigations into 18 cases, and had ordered only one fine against a British soldier.\textsuperscript{17}

19. **Recommendation:** The UK Government should state what action is being taken to ensure prompt investigation of torture allegations in Iraq, in compliance with its investigative duties under Articles 2 and 3 of the ECHR, and Articles 12 and 16 of UNCAT.

**Detention and asylum (Articles 11 and 16)**

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**Preventing violence and self-harm in places of detention**

20. In 2013, the Committee highlighted concerns regarding the ‘steady increase in the prison population throughout the past decade and the problem of overcrowding, and its impact on suicide rate, cases of self-injuries, prisoner violence and access to recreational activities.’ The Committee urged the UK to ‘strengthen its efforts and set concrete targets to reduce the high level of imprisonment and overcrowding, in particular through the wider use of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules).’\textsuperscript{18}

21. The EHRC conducted an inquiry into deaths in detention of adults with mental health conditions. It covered a three-year period between 2010-13, during which time in England and Wales, 350 adults with mental health conditions died of non-natural causes while detained in psychiatric wards, 17 adults died in police cells


\textsuperscript{18} UN Committee against Torture, Concluding observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013), para 31. Available at: http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/un-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment [accessed: 2 February 2016]
and another 295 adults died in prison, many of whom had mental health conditions.\textsuperscript{19}

22. Non-natural deaths in Scottish prisons have fallen slightly since 2010. Most non-natural deaths from 2010 to 2013 were suicides (or were considered apparent suicides). Of these, only one was a female prisoner. Prisons are also reporting increasing numbers of suicides of older prisoners.\textsuperscript{20} Evidence repeatedly highlights insufficient mental health training of staff in both the police and prison services as an area of concern, with slow and patchy progress to address this.\textsuperscript{21} Referral and diversion schemes identify vulnerable offenders when they first come into contact with the criminal justice system. However, these schemes for mental health are much less common than the schemes for substance abuse.\textsuperscript{22}

23. The number of non-natural deaths of detained patients in Scotland remained constant between 2010 and 2012 and all were recorded as suicides. The EHRC has recommended that the investigative structures for the deaths of detained patients in NHS Scotland mental health wards should be strengthened in line with our Human Rights Framework and clarified.\textsuperscript{23}

24. The Chief Inspectors of Prisons for England and Wales and for Scotland reported, in 2015 and 2014 respectively, that overcrowding continued to be a significant problem in prisons.\textsuperscript{24}

25. While the UK Government has made recent progress and committed to ‘Transforming Rehabilitation’ in England and Wales,\textsuperscript{25} considerable challenges in protecting the human rights of those detained by the prison service remain,

\begin{flushleft}
\textsuperscript{20} EHRC (2015), ‘Preventing Deaths in Detention of Adults with Mental Health Conditions’, Chapter 9, p. 67.
\textsuperscript{21} EHRC (2015), ‘Preventing Deaths in Detention of Adults with Mental Health Conditions’, Chapter 9, p. 98
\textsuperscript{22} EHRC (2015), ‘Preventing Deaths in Detention of Adults with Mental Health Conditions’, Chapter 9, p. 98
\textsuperscript{23} EHRC (2015), ‘Preventing Deaths in Detention of Adults with Mental Health Conditions’, Chapter 9, p. 73
\end{flushleft}
particularly for offenders with mental health conditions who are at risk of self-harm and self-inflicted deaths.²⁶

26. On 12 January 2016, allegations were reported in the press regarding the behaviour of staff at the Medway Secure Training Centre in Rochester, which is run by security firm G4S. The allegations relate to 10 boys, aged 14 to 17, and involve unnecessary force, foul language and a cover-up.²⁷ Her Majesty’s Inspectorate of Prisons (for England and Wales) (HMIP) and Ofsted visited Medway Secure Training Centre on 11 January and published their findings on 26 January 2016.²⁸

27. Justice Secretary Michael Gove stated on 26 January 2016 that Kent Police and Medway Council’s child protection team had launched an investigation ‘to determine whether there is any evidence to justify criminal proceedings.’ Additionally, the Youth Justice Board, which is responsible for commissioning and oversight of the secure youth estate, has ‘increased both its own monitoring at Medway STC and the presence of Barnardo’s, which provide an independent advocacy service at the centre.’ The Justice Secretary has ‘tasked G4S with putting an improvement plan in place.’ The work will be overseen by a newly appointed Independent Improvement Board, ‘comprised of four members with substantial expertise in education, running secure establishments and looking after children with behavioural difficulties.’²⁹

28. Recommendation: The Committee should ask the UK to outline its timetable for carrying out the commitments made by the Secretary of State for Justice to improve mental health services in prisons, and to identify offenders with mental health conditions. It should also state what steps it is taking to reduce the number of people being incarcerated in prisons in England and Wales, and to reduce the number of hours prisoners are...
locked in their cells in favour of improved purposeful activity and rehabilitation.30

Preventing vulnerable asylum seekers being detained for immigration purposes and the need for a statutory time limit

29. In 2013, the Committee stated that it was concerned about instances where ‘torture survivors, victims of trafficking, and persons with serious mental disability were detained while their asylum cases were decided.’ The Committee urged the UK to ensure that detention is used only as a ‘last resort’ in accordance with the requirements of international law and ‘not for administrative convenience.’31

30. In 2015, the UN Human Rights Committee stated that it was ‘concerned that no fixed time limit on the duration of detention in Immigration Removal Centres has been established and that individuals may be detained for prolonged periods.’32

31. The EHRC’s monitoring suggests that many of the concerns raised by the Committee in 2013 have not yet been acted upon. In July 2015, the UK’s Minister of State for Immigration told the UK Parliament he was suspending the Home Office’s Detained Fast Track (DFT) System.33 Judgments in the High Court and Court of Appeal in June and July 2015 found significant deficiencies, including failure to prevent torture survivors from entering the DFT system and to provide effective access to justice.34 The UN Human Rights Committee (2015) asked the UK Government to ‘ensure that reforms to the detained fast track (DFT) system are fully compliant with the State party’s obligations under the Covenant. It should


32 UN Human Rights Committee, Concluding observations on the seventh periodic report of the United Kingdom, July 2015, para 21


also ensure that the system protects vulnerable persons, and provides for effective safeguards against arbitrariness and for effective access to justice, including to legal aid.\(^{35}\)

32. Only HMIP can inspect or conduct unannounced visits to the one Immigration Removal Centre in Scotland, Dungavel Immigration Removal Centre. An unannounced visit to Dungavel in 2015 reported that it was a ‘safe place’ but that ‘detainees were routinely handcuffed for outside appointments, regardless of individual risk’ and that ‘some detainees were held [in the separation unit] for long periods.’\(^{36}\)

33. In January 2016, the UK Government published an independent review of the impact of immigration detention policies and operating procedures on the welfare of immigration detainees and included 64 specific recommendations for improvements.\(^{37}\) The UK Government stated that it ‘accepts the broad thrust of his recommendations’ and would take forward three key reforms. First, the UK Government accepted the Shaw recommendations to ‘adopt a wider definition of those at risk’ and it will also ‘introduce a new “adult at risk” concept into decision-making on immigration detention with a clear presumption that people who are at risk should not be detained, building on the existing legal framework.’ Second, the UK Government will ‘carry out a more detailed mental health needs assessment in Immigration Removal Centres, using the expertise of the Centre for Mental Health. This will report in March 2016, and NHS commissioners will use that assessment to consider and revisit current provision’. Third, the UK Government will ‘implement a new approach to the case management of those detained, replacing the existing detention review process with a clear removal plan for all those in detention.’\(^{38}\)

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\(^{35}\) UN Human Rights Committee, Concluding observations on the seventh periodic report of the United Kingdom, July 2015, para 21.b


34. An Immigration Bill is currently being considered by the UK Parliament. The EHRC has highlighted that the UK continues to be the only European Union member without a time limit on how long it can detain people subject to immigration controls. People are detained in the UK for months and even years, in contrast to the 6–12 month time limit set under European Union rules (the UK has exercised its right to opt out of these). During the year ending September 2014, 144 people had been in immigration detention between one and two years and 30 people for two years or longer. The Home Office does not collect data on the length of time immigration detainees are held in prison. Deprivation of liberty for extended periods can have a significant impact on the mental and physical health of those detained in the immigration system, many of whom live with the uncertainty of not knowing if they are about to be deported or released.

35. Recommendation: The Committee should ask the UK Government to outline how it is ensuring that reforms to the DFT system are fully compliant with the UK’s obligations under the International Covenant on Civil and Political Rights and UNCAT; to provide its response to the 64 recommendations in the ‘Review into the Welfare in Detention of Vulnerable Persons’ by Stephen Shaw; and to confirm whether it will commit to setting a statutory time limit of 28 days for holding an individual in immigration detention.

Human trafficking and modern slavery (Articles 2, 12, 13 and 16)

36. The Committee has adopted Concluding Observations regarding State Parties’ obligations to combat human trafficking, and to ‘strengthen measures to prevent and combat trafficking and domestic violence, provide protection for victims and

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their access to medical, social rehabilitative and legal services, including counselling services, as appropriate.  

37. The UK uses the National Referral Mechanism (NRM) framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. Data from 2013 shows a 47% increase in the number of referrals to the UK’s NRM of trafficking victims in 2012, with an 18% increase in the numbers of countries of origin. Victims under 17 years old accounted for 26% of these referrals (452), which was also a significant increase on 2012.

38. The Modern Slavery Act, which received Royal Assent on 26 March 2015, is a major step forward. It consolidated current offences relating to trafficking and slavery, and created two new civil orders to prevent modern slavery and made provision for the protection of modern slavery victims. In Scotland, the Human Trafficking and Exploitation (Scotland) Act 2015, clarifies and consolidates devolved civil and criminal law to disrupt trafficking networks, prosecute offenders and support victims.

39. However, the EHRC considers there are a number of issues not covered in the Modern Slavery Act 2015 or sufficiently addressed in the review of the NRM in particular in relation to the State’s responsibility to protect the rights of the child. Issues include a lack of detail in provisions to identify and provide support to victims, gaps in criminal offences, and weaknesses in the powers of the Independent Anti-Slavery Commissioner and the resources available to them.

In addition to the UK-wide concerns regarding the working of the NRM, there

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42 CAT/C/UKR/CO/5, para 14 with regard to Ukraine’s duty to prevent violence against women and girls, including trafficking. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ESP/CO/5&Lang=En [accessed: 3 February 2016]


remain questions on how the framework works alongside devolved agencies, policies and law.\(^{48}\)

40. Recommendation: The Committee should ask the UK to outline what action it is taking to address, including through regulations, gaps in the Modern Slavery Act 2015, which may impact on the State’s fulfilment of its obligations to prevent cruel, inhuman or degrading treatment and to protect victims. These gaps include:

- the absence of a formal appeals process, in line with the view of the Council of Europe Convention on Action against Trafficking in Human Beings (monitored by GRETA)
- no clear statutory duty to record and report trafficked children who go missing from care
- a lack of explicit requirements on tackling trafficking and slavery in the regulations of all relevant authorities that are likely to come into contact with potential victims, including health authorities, schools, prisons, probation services and competent authorities as well as voluntary organisations performing a public function, and
- clarification in those regulations that only a credible suspicion is required to trigger this duty (as noted in the review of the NRM, and is consistent with the State’s positive obligations to investigate under Article 4 of the ECHR).\(^{49}\)

Violence against Women and Girls (Articles 2, 12, 13 and 16)

41. The Committee has adopted Concluding Observations for addressing Violence against Women and Girls (VAWG), for instance that ‘all efforts’ should be taken ‘to prevent violence against women, enhance the access of victims to justice, ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, perpetrators brought to justice and victims provided

\(^{48}\) EHRC (2015), Justice Committee: Human Trafficking and Exploitation (Scotland) Bill - Written Submission from the EHRC. Available at: www.scottish.parliament.uk/S4_J usticeCommittee/Inquiries/HTE16EqualityandHumanRightsCommission.pdf [accessed: 3 February 2016]

with redress.’\textsuperscript{50} The EHRC has stressed that VAWG is one of the most pervasive human rights issues in Britain.\textsuperscript{51}

42. In 2015, the UN Human Rights Committee was ‘concerned about continued reports of violence against women, including domestic violence and rape…affecting mainly black and ethnic minority women.’ The Human Rights Committee recommended the UK should strengthen measures aimed at preventing and combating violence against women, including by ‘ensuring that all domestic violence cases, in all UK territories and dependencies, are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions’ and highlighted that the UK should ensure that victims have ‘access to effective remedies and means of protection, including to strong police protection, adequate emergency shelter, rehabilitative services, legal assistance and other support services.’\textsuperscript{52}

43. The Council of Europe Convention on preventing and combating violence against women and domestic violence (‘the Istanbul Convention’) was adopted by the Council of Europe Committee of Ministers on 7 April 2011.\textsuperscript{53} In November 2015, the UK Government stated that it would only commit to ratification of the Istanbul Convention when it was ‘absolutely satisfied’ that it complied with all Articles. The UK Government highlighted that primary legislation is required to comply with the extra-territorial jurisdiction provision set out in Article 44 of the Convention, and that it was liaising with the devolved administrations about ratification, including the further legislative steps required.\textsuperscript{54}

44. Recommendation: The Committee should ask the UK to outline the extent to which UK law, policy and practice are compliant with the Istanbul Convention and what more needs to be done to enable the UK to ratify the Convention.

\begin{footnotesize}
\textsuperscript{50} For instance CAT/C/PER/CO/5-6, para 14, regarding Peru’s measures to combat violence against women and girls. Available at: http://tbinternet.ohchr.org/ layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/PER/CO/5-6&Lang=En [accessed: 3 February 2016]

\textsuperscript{51} EHRC, Submission to the UN Human Rights Committee on the United Kingdom’s Implementation of the International Covenant on Civil and Political Rights, May 2015, p. 65


\textsuperscript{53} Council of Europe, About the Convention: Historical background. Available at: http://www.coe.int/en/web/istanbul-convention/historical-background [accessed: 3 February 2016]

\end{footnotesize}
Istanbul Convention and ensure its effective implementation.\textsuperscript{55} Information should also be supplied about how the UK Government monitors the delivery of VAWG strategies and services by local public agencies in England and Wales to ensure compliance with the UK’s international human rights obligations, and also the total UK public expenditure on implementing the UK’s international human rights obligations in relation to VAWG.\textsuperscript{56}

**Highest attainable standard of health (Articles 11 and 16)**

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**Preventing ill-treatment of patients receiving mental and physical health services and social care services**

45. In 2013, the Committee noted the findings of Mid Staffordshire NHS Foundation Trust Public Inquiries (‘Francis Inquiries’) published in 2010 and 2013, which ‘highlight the failure of the National Health System’s managers and regulators to identify and act upon the problems at Mid Staffordshire hospital trust that led to between 400 and 1,200 deaths between 2005 and 2009.’ The Committee notes with particular concern the findings that the ‘system […] ignored the warning signs of poor care and put corporate self-interest and cost control ahead of patients and their safety.’ The Committee called upon the UK to ‘establish a structure of fundamental standards and measures of compliance in order to prevent ill-treatment of patients receiving health care services.’\textsuperscript{57}


\textsuperscript{57} UN Committee against Torture, Concluding observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013), para 33. Available at: http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/un-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment [accessed: 3 February 2016]
46. The Scottish Government response to addressing many of the issues raised by the Francis Inquiries is included within ‘A Route Map to the 2020 Vision for Health and Social Care’.  

47. In February 2015, the UK Government published ‘Culture Change in the NHS’ (in England), outlining progress in implementing the recommendations of the Francis Inquiries. The UK Government states that the report shows that ‘for the overwhelming majority of recommendations, progress has either been substantial, or the relevant action is now complete.’

48. Recommendation: The Committee should ask the UK to outline what steps it has taken since February 2015 to prevent ill-treatment of patients receiving mental and physical health, and social care services.

Directing children with mental health conditions to appropriate health institutions rather than detaining them in police custody

49. In 2013, the Committee was ‘deeply concerned that children with mental disabilities can sometimes be placed in police custody in England for his or her "own interest or for the protection of others" (Articles 11 and 16)’. It concluded that the UK ‘should ensure that children with mental disabilities shall in no case be detained in police custody but directed to appropriate health institutions. Detainees who require psychiatric supervision and treatment should be provided with adequate accommodation and psychosocial support care.’

50. Children and young people with mental health conditions have sometimes experienced high referral thresholds or long waiting times for specialist services,

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and have in some cases been admitted to hospitals a long way from home.\footnote{House of Commons Health Committee (2014), ‘Children’s and adolescents’ mental health services and CAMHS’. Available at: http://www.parliament.uk/business/committees/committees-a-z/commons-select/health-committee/inquiries/parliament-2010/cmh-2014/ [Accessed 3 February 2016]}

As a result, the UK Government stated that it was making improvements to child and adolescent mental health services (CAMHS) and improving access to therapies for children.\footnote{EHRC (2015), ‘Is Britain fairer? The state of equality and human rights 2015’, pp. 59-60. Available at: http://www.equalityhumanrights.com/sites/default/files/uploads/IBF/Final-reports/revised/EHRC_IBF_MainReport_acc.pdf [accessed: 3 February 2016]}

51. In Scotland, separate targets were introduced relating to access to specialist CAMHS. From December 2014, the target is a maximum wait of 18 weeks. Recent published data showed that 73% of those who started their treatment in the period July to September 2015 had been waiting less than 18 weeks.\footnote{Information Services Division Scotland (ISDS) (2015), Child and adolescent mental health services waiting times in NHS Scotland. Available at: https://isdscotland.scot.nhs.uk/Health-Topics/Waiting-Times/Publications/2015-11-24/2015-11-24-CAMHS-Summary.pdf?67509096861 [accessed: 3 February 2016]}

52. **Recommendation:** The Committee should ask the UK to outline what improvements have been made to CAMHS and improving access to therapies for children.
Appendix

INTELLIGENCE AND SECURITY
COMMITTEE OF PARLIAMENT

Chairman: The Rt. Hon. Dominic Grieve MP

Onora O’Neill
Chair, EHRC, and
Les Allamby,
Chief Commissioner, NIHRC

Fleetbank House,
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London EC4Y 8JX

16 December 2015

Dear Onora and Les,

Thank you for your joint letter of 15 December asking about the Detainee Inquiry currently being conducted by the Intelligence and Security Committee of Parliament.

The ISC was provided with a dedicated team of staff in June 2014 and they have been carrying out the necessary research and analysis since then. The Committee has now begun taking evidence and, as we announced in October, the Inquiry is a priority for the Committee.

It is essential that we do a thorough job; the issues involved are too important to do otherwise. A substantive inquiry takes time and therefore whilst the Committee will make every effort to report in a reasonable timeframe, we can only do so once we have carefully considered all the evidence. Knowing the importance attached to this Inquiry, I am sure you would agree that it is preferable for us to take our time and follow the evidence rather than rush to meet a particular deadline.

In terms of witnesses, as our public call for evidence in September 2014 made clear, the ISC welcomes contributions from anyone with information relevant to our Inquiry, including from detainees such as Shaker Aamer. We encourage anyone who wishes to submit evidence to contact the Committee.

I am copying this reply to those to whom you copied yours.

Yours sincerely,

DOMINIC GRIEVE

This information is exempt from disclosure under the Freedom of Information Act 2000 and may be subject to exemption under the Data Protection Act 1998 and to restrictions on disclosure under the Official Secrets Act 1989.